

[COMMITTEE PRINT]

JUNE 23, 2003

[Showing H.R. 1950 as Reported by the Committee on International Relations on May 16, 2003]

108TH CONGRESS
1ST SESSION

H. R. 1950

[Report No. 108–105]

To authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2003

Mr. HYDE (for himself, Mr. LANTOS, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on International Relations

MAY 16, 2003

Reported with an amendment and referred to the Committees on Armed Services, Energy and Commerce, and the Judiciary for a period ending not later than June 13, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(l),

[The amendment of the Committee on International Relations strikes all after the enacting clause and inserts the matter printed in roman type]

JUNE 9, 2003

Referral to the Committees on Armed Services, Energy and Commerce, and the Judiciary extended for a period ending not later than June 16, 2003

JUNE 12, 2003

Supplemental report filed by the Committee on International Relations

JUNE 16, 2003

The Committee on the Judiciary discharged

Referral to the Committees on Armed Services and Energy and Commerce
extended for a period ending not later than July 11, 2003

[For text of introduced bill, see copy of bill as introduced on May 5, 2003]

A BILL

To authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Relations Au-
5 thorization Act, Fiscal Years 2004 and 2005”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
7 **CONTENTS.**

8 (a) ORGANIZATION OF ACT INTO DIVISIONS.—This
9 Act is organized into two divisions as follows:

10 (1) DIVISION A.—Department of State Author-
11 ization Act, Fiscal Years 2004 and 2005.

12 (2) DIVISION B.—Defense Trade and Security
13 Assistance Reform Act of 2003.

14 (b) TABLE OF CONTENTS.—The table of contents for
15 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of act into divisions; table of contents.

3

Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT,
FISCAL YEARS 2004 AND 2005

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

- Sec. 111. Administration of foreign affairs.
- Sec. 112. United States educational and cultural programs.
- Sec. 113. Contributions to international organizations.
- Sec. 114. International commissions.
- Sec. 115. Migration and refugee assistance.
- Sec. 116. Voluntary contributions to international organizations.
- Sec. 117. Voluntary contributions for international peacekeeping activities.
- Sec. 118. Grants to the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

Subtitle A—United States Public Diplomacy

- Sec. 201. Findings and purposes.
- Sec. 202. Public diplomacy responsibilities of the Department of State.
- Sec. 203. Annual plan on public diplomacy strategy.
- Sec. 204. Public diplomacy training.
- Sec. 205. United States Advisory Commission on Public Diplomacy.
- Sec. 206. Library program.
- Sec. 207. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.

Subtitle B—Basic Authorities and Activities

- Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.
- Sec. 222. Modification of reporting requirements.
- Sec. 223. Report concerning efforts to promote Israel's diplomatic relations with other countries.
- Sec. 224. Reimbursement rate for airlift services provided to the Department of State.
- Sec. 225. Sense of Congress regarding additional United States consular posts.
- Sec. 226. Validity of United States passports for travel to countries receiving United States foreign assistance.
- Sec. 227. Security capital cost sharing.
- Sec. 228. Authority to issue administrative subpoenas.
- Sec. 229. Enhancing refugee resettlement and maintaining the United States commitment to refugees.
- Sec. 230. The Colin Powell Center for American Diplomacy.

Subtitle C—Educational and Cultural Authorities

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- Sec. 251. Establishment of initiatives for predominantly Muslim countries.
- Sec. 252. Database of American and foreign participants in exchange programs.
- Sec. 253. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.
- Sec. 254. Sense of the Congress concerning educational and cultural exchange program for foreign journalists.
- Sec. 255. Sense of Congress regarding Korean Fulbright programs.
- Sec. 256. Authorizing East Timorese scholarships for graduate study.
- Sec. 257. Public safety awareness in study abroad programs.

Subtitle D—Consular Authorities

- Sec. 271. Machine readable visas.
- Sec. 272. Processing of visa applications.
- Sec. 273. Staffing at diplomatic missions.

TITLE III—ORGANIZATION AND PERSONNEL OF THE
DEPARTMENT OF STATE

- Sec. 301. Fellowship of Hope Program.
- Sec. 302. Claims for lost pay.
- Sec. 303. Ombudsman for the Department of State.
- Sec. 304. Repeal of recertification requirement for senior foreign service.
- Sec. 305. Report concerning status of employees of State Department.
- Sec. 306. Home leave.
- Sec. 307. Increased limits applicable to post differentials and danger pay allowances.
- Sec. 308. Regulations regarding retirement credit for government service performed abroad.
- Sec. 309. Minority recruitment.
- Sec. 310. Meritorious step increases.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

- Sec. 401. Raising the cap on peacekeeping contributions.
- Sec. 402. Regarding the reentry of the United States in UNESCO.
- Sec. 403. UNESCO national commission.
- Sec. 404. Organization of American States (OAS) emergency fund.
- Sec. 405. United States efforts regarding the status of Israel in the Western European and Others Group at the United Nations.

Subtitle B—United States International Leadership

- Sec. 431. Short title.
- Sec. 432. Findings.
- Sec. 433. Establishment of a democracy caucus.
- Sec. 434. Annual diplomatic missions on multilateral issues.
- Sec. 435. Leadership and membership of international organizations.
- Sec. 436. Increased training in multilateral diplomacy.
- Sec. 437. Promoting assignments to international organizations.
- Sec. 438. Implementation and establishment of office on multilateral negotiations.
- Sec. 439. Synchronization of United States contributions to international organizations.

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TITLE V—UNITED STATES INTERNATIONAL BROADCASTING
ACTIVITIES

Subtitle A—Basic Authorities and Activities

- Sec. 501. Mideast Radio and Television Network, Inc.
- Sec. 502. Improving signal delivery to Cuba.
- Sec. 503. Report concerning efforts to counter jamming of broadcasts of Radio Marti and TV Marti.
- Sec. 504. Pilot program for the promotion of travel and tourism in the United States through United States international broadcasting.
- Sec. 505. Radio Free Asia broadcasts into North Korea.
- Sec. 506. Prohibition on elimination of international broadcasting in Eastern Europe.

Subtitle B—Global Internet Freedom

- Sec. 521. Short title.
- Sec. 522. Findings.
- Sec. 523. Purposes.
- Sec. 524. Development and deployment of technologies to defeat Internet jamming and censorship.

Subtitle C—Reorganization of United States International Broadcasting

- Sec. 531. Establishment of United States International Broadcasting Agency.
- Sec. 532. Authorities and functions of the agency.
- Sec. 533. Role of the Secretary of State.
- Sec. 534. Administrative provisions.
- Sec. 535. Broadcasting Board of Governors and International Broadcasting Bureau.
- Sec. 536. Transition.
- Sec. 537. Conforming amendments.
- Sec. 538. References.
- Sec. 539. Broadcasting standards.
- Sec. 540. Effective date.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Findings.
- Sec. 604. Statements of policy.
- Sec. 605. Coordinator for International Free Media.
- Sec. 606. United States Advisory Commission on Public Diplomacy and International Media.
- Sec. 607. International Free Media Fund.
- Sec. 608. Free media promotion activity of the Broadcasting Board of Governors.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Reporting Requirements

- Sec. 701. Reports on benchmarks for Bosnia.
- Sec. 702. Reports to Committee on International Relations.
- Sec. 703. Reports concerning the capture and prosecution of paramilitary and other terrorist leaders in Colombia.

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- Sec. 704. Reports relating to Magen David Adom Society.
- Sec. 705. Report concerning the return of portraits of Holocaust victims to the artist Dina Babbitt.
- Sec. 706. Report to Congress on use of vested assets.
- Sec. 707. Report concerning the conflict in Uganda.
- Sec. 708. Requirement for report on United States policy toward Haiti.
- Sec. 709. Report on the effects of Plan Columbia on Ecuador.
- Sec. 710. Report on actions taken by Pakistan.
- Sec. 711. Report on democracy in the Western Hemisphere.
- Sec. 712. Report concerning internal and intra-regional conflicts in the Great Lakes region of Africa.

Subtitle B—Other Matters

- Sec. 721. Sense of Congress relating to East Timor, justice, and rehabilitation.
- Sec. 722. Sense of Congress concerning human rights and justice in Indonesia.
- Sec. 723. Amendment to the International Religious Freedom Act of 1998.
- Sec. 724. Sense of Congress with respect to human rights in Central Asia.
- Sec. 725. Technical correction to authorization of appropriations for fiscal year 2003 for Center for Cultural and Technical Interchange Between East and West.
- Sec. 726. Under Secretary of Commerce for Industry and Security.
- Sec. 727. Concerning the spread of weapons of mass destruction.
- Sec. 728. International agriculture biotechnology information program.
- Sec. 729. Refugee resettlement burdensharing.
- Sec. 730. Sense of Congress on climate change.
- Sec. 731. Sense of Congress regarding migration issues between the United States and Mexico.
- Sec. 732. Sense of Congress concerning United States assistance to Palestinian refugees.
- Sec. 733. United States policy on World Bank Group loans to Iran.
- Sec. 734. Sense of Congress relating to Soviet nuclear tests in Kazakhstan.
- Sec. 735. Sense of Congress relating to violence against women.

DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE
REFORM ACT OF 2003

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. References to Arms Export Control Act.

TITLE XI—TERRORIST-RELATED PROHIBITIONS AND
ENFORCEMENT MEASURES

- Sec. 1101. Eligibility provisions.
- Sec. 1102. Weapons transfers to foreign persons in the United States.
- Sec. 1103. Coordination of license exemptions with United States law enforcement agencies.
- Sec. 1104. Mechanisms to identify persons in violation of certain provisions of law.
- Sec. 1105. Comprehensive nature of United States arms embargoes.
- Sec. 1106. Transactions with countries supporting acts of international terrorism.
- Sec. 1107. Amendments to control of arms exports and imports.
- Sec. 1108. High risk exports and end use verification.

- Sec. 1109. Concurrent jurisdiction of the Federal Bureau of Investigation.
- Sec. 1110. Report on foreign-supplied defense articles, defense services, and dual use goods and technology discovered in Iraq.

TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

- Sec. 1201. Control of items on Missile Technology Control Regime Annex.
- Sec. 1202. Certifications relating to export of certain defense articles and services.
- Sec. 1203. Notification requirements for technical assistance and manufacturing licensing agreements with NATO member countries, Australia, New Zealand, and Japan.
- Sec. 1204. Strengthening defense cooperation with Australia and the United Kingdom.
- Sec. 1205. Training and liaison for small businesses.
- Sec. 1206. Study and report relating to co-locating munitions control functions of the Departments of State, Defense, and Homeland Security.

TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

Subtitle A—Foreign Military Sales and Financing Authorities

- Sec. 1301. Authorization of appropriations.
- Sec. 1302. Provision of cataloging data and services.
- Sec. 1303. Annual estimate and justification for sales program.
- Sec. 1304. Adjustment to advance notification requirement for transfer of certain excess defense articles.

Subtitle B—International Military Education and Training

- Sec. 1311. Authorization of appropriations.
- Sec. 1312. Annual foreign military training reporting.

Subtitle C—Assistance for Select Countries

- Sec. 1321. Assistance for Israel.
- Sec. 1322. Assistance for Egypt.

Subtitle D—Miscellaneous Provisions

- Sec. 1331. United States War Reserve Stockpiles for Allies.
- Sec. 1332. Transfer to Israel of certain defense articles in the United States War Reserve Stockpiles for Allies.
- Sec. 1333. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
- Sec. 1334. Assistance for demining and related activities.
- Sec. 1335. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
- Sec. 1336. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
- Sec. 1337. Nonproliferation and Disarmament Fund.
- Sec. 1338. Maritime interdiction patrol boats for Mozambique.
- Sec. 1339. Report on missile defense cooperation.
- Sec. 1340. Iran's program to develop a nuclear explosive device.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

Sec. 1401. Short title.

Subtitle A—Strengthening International Missile Nonproliferation Law

Sec. 1411. Findings.

Sec. 1412. Policy of the United States.

Sec. 1413. Sense of Congress.

Subtitle B—Strengthening United States Missile Nonproliferation Law

Sec. 1421. Probationary period for foreign persons.

Sec. 1422. Strengthening United States missile proliferation sanctions on foreign persons.

Sec. 1423. Comprehensive United States missile proliferation sanctions on all responsible persons.

Subtitle C—Incentives for Missile Threat Reduction

Sec. 1431. Foreign assistance.

Sec. 1432. Authorization of appropriations.

Sec. 1433. Authorization of technical assistance in missile disarmament.

TITLE XV—EXPORTS OF SATELLITES

Sec. 1501. Export controls on satellites and related items.

Sec. 1502. Mandatory review by Department of State.

Sec. 1503. Export restrictions not affected.

Sec. 1504. Definitions.

TITLE XVI—PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND
RULE OF LAW IN BELARUS

Sec. 1601. Assistance to promote democracy and civil society in Belarus.

Sec. 1602. Radio broadcasting to Belarus.

Sec. 1603. Sense of Congress relating to sanctions against the Government of Belarus.

Sec. 1604. Multilateral cooperation.

Sec. 1605. Report.

Sec. 1606. Definitions.

TITLE XVII—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT
OF 2003

Sec. 1701. Short title.

Sec. 1702. Findings.

Sec. 1703. Purposes.

Sec. 1704. Sense of Congress.

Sec. 1705. Recognition of a Palestinian state.

Sec. 1706. Limitation on assistance to a Palestinian state.

Sec. 1707. Authorization of assistance to a Palestinian state.

TITLE XVIII—MISCELLANEOUS FOREIGN ASSISTANCE
PROVISIONS

Sec. 1801. Additional authorities relating to international narcotics control assistance.

Sec. 1802. United States opium eradication program in Colombia.

Sec. 1803. Cooperative Development Program.

Sec. 1804. West Bank and Gaza Program.
Sec. 1805. Annual human rights country reports on incitement to acts of discrimination.
Sec. 1806. Assistance to East Timor.
Sec. 1807. Support for democracy-building efforts for Cuba.
Sec. 1808. Amendment to the Afghanistan Freedom Support Act of 2002.
Sec. 1809. Congo Basin Forest Partnership.
Sec. 1810. Combatting the piracy of United States copyrighted materials.
Sec. 1811. Assistance for law enforcement forces in certain foreign countries.
Sec. 1812. Human Rights and Democracy Fund.
Sec. 1813. Enhanced police training.
Sec. 1814. Promoting a secure and democratic Afghanistan.
Sec. 1815. Grants to the Africa Society.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Foreign Relations
6 of the Senate and the Committee on International
7 Relations of the House of Representatives.

8 (2) DEPARTMENT.—The term “Department”
9 means the Department of State.

10 (3) SECRETARY.—Except as otherwise provided,
11 the term “Secretary” means the Secretary of State.

12 **DIVISION A—DEPARTMENT OF**
13 **STATE AUTHORIZATION ACT,**
14 **FISCAL YEARS 2004 AND 2005**

15 **SEC. 101. SHORT TITLE.**

16 This division may be cited as the “Department of
17 State Authorization Act, Fiscal Years 2004 and 2005”.

1 **TITLE I—AUTHORIZATIONS OF**
2 **APPROPRIATIONS**

3 **Subtitle A—Department of State**

4 **SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.**

5 (a) IN GENERAL.—The following amounts are au-
6 thorized to be appropriated for the Department under
7 “Administration of Foreign Affairs” to carry out the au-
8 thorities, functions, duties, and responsibilities in the con-
9 duct of the foreign affairs of the United States, and for
10 other purposes authorized by law, including public diplo-
11 macy activities and the diplomatic security program:

12 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

13 (A) AUTHORIZATION OF APPROPRIA-
14 TIONS.—For “Diplomatic and Consular Pro-
15 grams”, \$4,187,544,000 for the fiscal year
16 2004 and \$4,438,796,000 for the fiscal year
17 2005.

18 (B) PUBLIC DIPLOMACY.—

19 (i) IN GENERAL.—Of the amounts au-
20 thorized to be appropriated by subpara-
21 graph (A), \$320,930,000 for the fiscal
22 year 2004 and \$329,838,000 for the fiscal
23 year 2005 is authorized to be appropriated
24 for public diplomacy.

1 (ii) IMPROVEMENTS IN PUBLIC DIPLO-
2 MACY PROGRAMS.—Of the amounts author-
3 ized to be appropriated under clause (i)
4 \$20,000,000 for the fiscal year 2004 and
5 \$20,000,000 for the fiscal year 2005 is au-
6 thorized to be available for improvements
7 and modernization of public diplomacy pro-
8 grams and activities of the Department of
9 State.

10 (iii) TRANSLATION SERVICES.—Of the
11 amounts authorized to be appropriated
12 under clause (i), \$4,000,000 for the fiscal
13 year 2004 and \$4,000,000 for the fiscal
14 year 2005 is authorized to be available for
15 translation services available to public af-
16 fairs officers in overseas posts.

17 (C) WORLDWIDE SECURITY UPGRADES.—
18 Of the amounts authorized to be appropriated
19 by subparagraph (A), \$646,701,000 for the fis-
20 cal year 2004 and \$679,036,000 for the fiscal
21 year 2005 is authorized to be appropriated for
22 worldwide security upgrades.

23 (D) BUREAU OF DEMOCRACY, HUMAN
24 RIGHTS, AND LABOR.—Of the amounts author-
25 ized to be appropriated by subparagraph (A),

1 \$20,000,000 for the fiscal year 2004 and
2 \$20,000,000 for the fiscal year 2005 is author-
3 ized to be appropriated for salaries and ex-
4 penses of the Bureau of Democracy, Human
5 Rights, and Labor.

6 (E) RECRUITMENT OF MINORITY
7 GROUPS.—Of the amount authorized to be ap-
8 propriated by subparagraph (A), \$2,000,000 for
9 the fiscal year 2004 and \$2,000,000 for the fis-
10 cal year 2005 is authorized to be appropriated
11 for the recruitment of members of minority
12 groups for careers in the Foreign Service and
13 international affairs.

14 (2) CAPITAL INVESTMENT FUND.—For “Cap-
15 ital Investment Fund”, \$157,000,000 for the fiscal
16 year 2004 and \$161,710,000 for the fiscal year
17 2005.

18 (3) EMBASSY SECURITY, CONSTRUCTION AND
19 MAINTENANCE.—

20 (A) IN GENERAL.—For “Embassy Secu-
21 rity, Construction and Maintenance”,
22 \$653,000,000 for the fiscal year 2004 and
23 \$784,000,000 for the fiscal year 2005, in addi-
24 tion to amounts otherwise authorized to be ap-
25 propriated for such purpose by section 604 of

1 the Admiral James W. Nance and Meg Dono-
2 van Foreign Relations Authorization Act, Fiscal
3 Years 2000 and 2001 (as enacted into law by
4 section 1000(a)(7) of Public Law 106–113 and
5 contained in appendix G of that Act; 113 Stat.
6 1501A–470).

7 (B) AMENDMENT OF THE NANCE-DONO-
8 VAN FOREIGN RELATIONS AUTHORIZATION
9 ACT.—Section 604(a) of the Admiral James W.
10 Nance and Meg Donovan Foreign Relations Au-
11 thorization Act, Fiscal Years 2000 and 2001
12 (113 Stat. 1501A–453) is amended—

13 (i) at the end of paragraph (4) by
14 striking “and”;

15 (ii) in paragraph (5) by striking
16 “\$900,000,000.” and inserting
17 “\$1,000,000,000; and”; and

18 (iii) by inserting after paragraph (5)
19 the following:

20 “(6) for fiscal year 2005,
21 \$1,000,000,000.”.

22 (4) REPRESENTATION ALLOWANCES.—For
23 “Representation Allowances”, \$9,000,000 for the
24 fiscal year 2004 and \$9,000,000 for the fiscal year
25 2005.

1 (5) PROTECTION OF FOREIGN MISSIONS AND
2 OFFICIALS.—For “Protection of Foreign Missions
3 and Officials”, \$10,000,000 for the fiscal year 2004
4 and \$10,000,000 for the fiscal year 2005.

5 (6) EMERGENCIES IN THE DIPLOMATIC AND
6 CONSULAR SERVICE.—For “Emergencies in the Dip-
7 lomatic and Consular Service”, \$1,000,000 for the
8 fiscal year 2004 and such sums as may be necessary
9 for the fiscal year 2005.

10 (7) REPATRIATION LOANS.—For “Repatriation
11 Loans”, \$1,219,000 for the fiscal year 2004 and
12 \$1,219,000 for the fiscal year 2005.

13 (8) PAYMENT TO THE AMERICAN INSTITUTE IN
14 TAIWAN.—For “Payment to the American Institute
15 in Taiwan”, \$19,773,000 for the fiscal year 2004
16 and \$20,761,000 for the fiscal year 2005.

17 (9) OFFICE OF THE INSPECTOR GENERAL.—
18 For “Office of the Inspector General”, \$31,703,000
19 for the fiscal year 2004 and \$32,654,000 for the fis-
20 cal year 2005.

21 (b) AVAILABILITY OF FUNDS FOR PROTECTION OF
22 FOREIGN MISSIONS AND OFFICIALS.—The amount appro-
23 priated pursuant to subsection (a)(5) is authorized to re-
24 main available through September 30, 2006.

1 **SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL**
2 **PROGRAMS.**

3 (a) IN GENERAL.—Amounts in this section are au-
4 thorized to be appropriated for the Department of State
5 to carry out educational and cultural programs of the De-
6 partment of State under the United States Information
7 and Educational Exchange Act of 1948, the Mutual Edu-
8 cational and Cultural Exchange Act of 1961, Reorganiza-
9 tion Plan Number 2 of 1977, the Foreign Affairs Reform
10 and Restructuring Act of 1998, the Center for Cultural
11 and Technical Interchange Between East and West Act
12 of 1960, the Dante B. Fascell North-South Center Act
13 of 1991, and the National Endowment for Democracy Act,
14 and to carry out other authorities in law consistent with
15 such purposes.

16 (b) EDUCATIONAL AND CULTURAL EXCHANGE PRO-
17 GRAMS.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—For
19 “Educational and Cultural Exchange Programs”,
20 \$393,000,000 for the fiscal year 2004 and
21 \$405,000,000 for the fiscal year 2005.

22 (2) PROGRAMS IN EASTERN EUROPE AND
23 FORMER SOVIET UNION.—Of the amounts author-
24 ized to be appropriated under paragraph (1),
25 \$150,000,000 for the fiscal year 2004 and
26 \$150,000,000 for the fiscal year 2005 is authorized

1 to be available for programs in Eastern Europe and
2 countries of the former Soviet Union.

3 (3) ACADEMIC EXCHANGE PROGRAMS.—

4 (A) IN GENERAL.—Of the amounts author-
5 ized to be appropriated under paragraph (1),
6 \$142,000,000 for the fiscal year 2004 and
7 \$142,000,000 for the fiscal year 2005 is au-
8 thorized to be available for the “Academic Ex-
9 change Programs” (other than programs de-
10 scribed in paragraph (4)).

11 (B) HIV/AIDS INITIATIVE.—Of the
12 amounts authorized to be available under sub-
13 paragraph (A), \$1,000,000 for the fiscal year
14 2004 and \$1,000,000 for the fiscal year 2005
15 is authorized to be available for HIV/AIDS re-
16 search and mitigation strategies.

17 (C) FULBRIGHT ENGLISH TEACHING AS-
18 SISTANT PROGRAM IN KOREA.—Of the amounts
19 authorized to be available by subparagraph (A),
20 \$750,000 for the fiscal year 2004 and
21 \$750,000 for the fiscal year 2005 is authorized
22 to be available for the Fulbright English Teach-
23 ing Assistant Program in Korea, which sends
24 United States citizen students to serve as

1 English language teaching assistants at Korean
2 colleges and high schools.

3 (D) DANTE B. FASCELL NORTH-SOUTH
4 CENTER.—Of the amounts authorized to be
5 available by subparagraph (A), \$1,025,000 for
6 the fiscal year 2004 and \$1,025,000 for the fis-
7 cal year 2005 is authorized to be available for
8 the “Dante B. Fascell North-South Center”.

9 (E) GEORGE J. MITCHELL SCHOLARSHIP
10 PROGRAM.—Of the amounts authorized to be
11 available under subparagraph (A), \$500,000 for
12 the fiscal year 2004 and \$500,000 for the fiscal
13 year 2005 is authorized to be available for the
14 “George J. Mitchell Scholarship Program”
15 which provides for one year of postgraduate
16 study for American scholars at institutions of
17 higher education in Ireland and Northern Ire-
18 land.

19 (4) OTHER EDUCATIONAL AND CULTURAL EX-
20 CHANGE PROGRAMS.—

21 (A) IN GENERAL.—Of the amounts author-
22 ized to be appropriated under paragraph (1),
23 \$110,000,000 for the fiscal year 2004 and
24 \$110,000,000 for the fiscal year 2005 is au-
25 thorized to be available for other educational

1 and cultural exchange programs authorized by
2 law.

3 (B) INITIATIVES FOR PREDOMINANTLY
4 MUSLIM COUNTRIES.—Of the amounts author-
5 ized to be available under subparagraph (A),
6 \$35,000,000 for the fiscal year 2004 and
7 \$35,000,000 for the fiscal year 2005 is author-
8 ized to be available for initiatives for predomi-
9 nantly Muslim countries established under sec-
10 tion 251.

11 (C) TIBETAN EXCHANGES.—Of the
12 amounts authorized to be available under sub-
13 paragraph (A), \$500,000 for the fiscal year
14 2004 and \$500,000 for the fiscal year 2005 is
15 authorized to be available for “Ngawang
16 Choephel Exchange Programs” (formerly
17 known as “programs of educational and cul-
18 tural exchange between the United States and
19 the people of Tibet”) under section 103(a) of
20 the Human Rights, Refugee, and Other Foreign
21 Relations Provisions Act of 1996 (Public Law
22 104–319).

23 (D) EAST TIMORESE SCHOLARSHIPS.—Of
24 the amounts authorized to be available under
25 subparagraph (A), \$1,000,000 for the fiscal

1 year 2004 and \$1,000,000 for the fiscal year
2 2005 is authorized to be available for “East
3 Timorese Scholarships”.

4 (E) SOUTH PACIFIC EXCHANGES.—Of the
5 amounts authorized to be available under sub-
6 paragraph (A), \$750,000 for the fiscal year
7 2004 and \$750,000 for the fiscal year 2005 is
8 authorized to be available for “South Pacific
9 Exchanges”.

10 (F) SUDANESE SCHOLARSHIPS.—Of the
11 amounts authorized to be available under sub-
12 paragraph (A), \$500,000 for the fiscal year
13 2004 and \$500,000 for the fiscal year 2005 is
14 authorized to be available for scholarships for
15 students from southern Sudan for secondary or
16 postsecondary education in the United States,
17 to be known as “Sudanese Scholarships”.

18 (G) SUMMER INSTITUTES FOR KOREAN
19 STUDENTS.—Of the amounts authorized to be
20 available under subparagraph (A), \$750,000 for
21 the fiscal year 2004 and \$750,000 for the fiscal
22 year 2005 is authorized to be available for sum-
23 mer academic study programs in the United
24 States (focusing on United States political sys-
25 tems, government institutions, society, and

1 democratic culture) for college and university
2 students from the Republic of Korea, to be
3 known as the “United States Summer Insti-
4 tutes for Korean Student Leaders”.

5 (H) SCHOLARSHIPS FOR INDIGENOUS PEO-
6 PLES OF MEXICO AND CENTRAL AND SOUTH
7 AMERICA.—Of the amounts authorized to be
8 available under subparagraph (A), \$400,000 for
9 the fiscal year 2004 and \$400,000 for the fiscal
10 year 2005 is authorized to be available for
11 scholarships for postsecondary education in the
12 United States for students from Mexico and the
13 countries of Central and South America who
14 are from the indigenous peoples of the region.

15 (c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

16 (1) IN GENERAL.—For the “National Endow-
17 ment for Democracy”, \$45,000,000 for the fiscal
18 year 2004 and \$47,000,000 for the fiscal year 2005.

19 (2) INITIATIVES FOR PREDOMINANTLY MUSLIM
20 COUNTRIES.—Of the amounts authorized to be ap-
21 propriated under paragraph (1), \$3,000,000 for the
22 fiscal year 2004 and \$3,000,000 for the fiscal year
23 2005 is authorized to be available for the National
24 Endowment for Democracy to fund programs that
25 promote democracy, good governance, the rule of

1 law, independent media, religious tolerance, the
2 rights of women, and strengthening of civil society
3 in countries of predominantly Muslim population
4 within the jurisdiction of the Bureau of Near East-
5 ern Affairs of the Department of State.

6 (d) CENTER FOR CULTURAL AND TECHNICAL INTER-
7 CHANGE BETWEEN EAST AND WEST.—For the “Center
8 for Cultural and Technical Interchange between East and
9 West”, \$14,280,000 for the fiscal year 2004 and
10 \$14,280,000 for the fiscal year 2005.

11 (e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For
12 the “Reagan-Fascell Democracy Fellows”, for fellowships
13 for democracy activists and scholars from around the
14 world at the International Forum for Democratic Studies
15 in Washington, D.C., to study, write, and exchange views
16 with other activists and scholars and with Americans,
17 \$1,000,000 for the fiscal year 2004 and \$1,000,000 for
18 the fiscal year 2005.

19 (f) BENJAMIN GILMAN INTERNATIONAL SCHOLAR-
20 SHIP PROGRAM.—Section 305 of the Microenterprise for
21 Self-Reliance and International Anti-Corruption Act of
22 2000 (22 U.S.C. 2462 note) is amended by striking
23 “\$1,500,000” and inserting “\$2,500,000”.

1 **SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
2 **TIONS.**

3 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
4 ORGANIZATIONS.—There is authorized to be appropriated
5 under the heading “Contributions to International Organi-
6 zations” \$1,010,463,000 for the fiscal year 2004 and
7 \$1,040,776,000 for the fiscal year 2005 for the Depart-
8 ment to carry out the authorities, functions, duties, and
9 responsibilities in the conduct of the foreign affairs of the
10 United States with respect to international organizations
11 and to carry out other authorities in law consistent with
12 such purposes.

13 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
14 KEEPING ACTIVITIES.—There is authorized to be appro-
15 priated under the heading “Contributions for Inter-
16 national Peacekeeping Activities” \$550,200,000 for the
17 fiscal year 2004 and such sums as may be necessary for
18 the fiscal year 2005 for the Department to carry out the
19 authorities, functions, duties, and responsibilities in the
20 conduct of the foreign affairs of the United States with
21 respect to international peacekeeping activities and to
22 carry out other authorities in law consistent with such
23 purposes.

24 (c) FOREIGN CURRENCY EXCHANGE RATES.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In
26 addition to the amounts authorized to be appro-

1 priated by subsection (a), there is authorized to be
2 appropriated such sums as may be necessary for the
3 fiscal years 2004 and 2005 to offset adverse fluctua-
4 tions in foreign currency exchange rates.

5 (2) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated under this subsection may be available for
7 obligation and expenditure only to the extent that
8 the Director of the Office of Management and Budg-
9 et determines and certifies to the appropriate con-
10 gressional committees that such amounts are nec-
11 essary due to such fluctuations.

12 (d) REFUND OF EXCESS CONTRIBUTIONS.—The
13 United States shall continue to insist that the United Na-
14 tions and its specialized and affiliated agencies shall credit
15 or refund to each member of the organization or agency
16 concerned its proportionate share of the amount by which
17 the total contributions to the organization or agency ex-
18 ceed the expenditures of the regular assessed budget of
19 the organization or agency.

20 **SEC. 114. INTERNATIONAL COMMISSIONS.**

21 The following amounts are authorized to be appro-
22 priated under “International Commissions” for the De-
23 partment to carry out the authorities, functions, duties,
24 and responsibilities in the conduct of the foreign affairs

1 of the United States with respect to international commis-
2 sions, and for other purposes authorized by law:

3 (1) INTERNATIONAL BOUNDARY AND WATER
4 COMMISSION, UNITED STATES AND MEXICO.—For
5 “International Boundary and Water Commission,
6 United States and Mexico”—

7 (A) for “Salaries and Expenses”,
8 \$31,562,000 for the fiscal year 2004 and
9 \$31,562,000 for the fiscal year 2005; and

10 (B) for “Construction”, \$8,901,000 for the
11 fiscal year 2004 and \$8,901,000 for the fiscal
12 year 2005.

13 (2) INTERNATIONAL BOUNDARY COMMISSION,
14 UNITED STATES AND CANADA.—For “International
15 Boundary Commission, United States and Canada”,
16 \$1,261,000 for the fiscal year 2004 and \$1,261,000
17 for the fiscal year 2005.

18 (3) INTERNATIONAL JOINT COMMISSION.—For
19 “International Joint Commission”, \$7,810,000 for
20 the fiscal year 2004 and \$7,810,000 for the fiscal
21 year 2005.

22 (4) INTERNATIONAL FISHERIES COMMIS-
23 SIONS.—For “International Fisheries Commissions”,
24 \$20,043,000 for the fiscal year 2004 and
25 \$20,043,000 for the fiscal year 2005.

1 **SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated for the Department for “Migration and Refugee
4 Assistance” for authorized activities, \$927,000,000 for the
5 fiscal year 2004 and \$957,000,000 for the fiscal year
6 2005.

7 (b) REFUGEES RESETTLING IN ISRAEL.—Of the
8 amount authorized to be appropriated by subsection (a),
9 \$50,000,000 for the fiscal year 2004 and \$50,000,000 for
10 the fiscal year 2005 is authorized to be available for the
11 resettlement of refugees in Israel.

12 (c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of
13 the amount authorized to be appropriated by subsection
14 (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000
15 for the fiscal year 2005 is authorized to be available for
16 humanitarian assistance, including food, medicine, cloth-
17 ing, and medical and vocational training, to Tibetan refu-
18 gees in India and Nepal who have fled Chinese-occupied
19 Tibet.

20 (d) HUMANITARIAN ASSISTANCE FOR DISPLACED
21 BURMESE.—Of the amount authorized to be appropriated
22 by subsection (a), \$2,000,000 for the fiscal year 2004 and
23 \$2,000,000 for the fiscal year 2005 is authorized to be
24 available for humanitarian assistance (including food,
25 medicine, clothing, and medical and vocational training)

1 to persons displaced as a result of civil conflict in Burma,
2 including persons still within Burma.

3 (e) AVAILABILITY OF FUNDS.—Funds appropriated
4 pursuant to this section are authorized to remain available
5 until expended.

6 **SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTER-**
7 **NATIONAL ORGANIZATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated for the Department of State
10 for “Voluntary Contributions to International Organiza-
11 tions”, \$342,555,000 for the fiscal year 2004 and
12 \$345,000,000 for the fiscal year 2005.

13 (b) UNITED NATIONS VOLUNTARY FUND FOR VIC-
14 TIMS OF TORTURE.—Of the amounts authorized to be ap-
15 propriated under subsection (a), \$6,000,000 for the fiscal
16 year 2004 and \$7,000,000 for the fiscal year 2005 is au-
17 thorized to be available for a United States voluntary con-
18 tribution to the United Nations Voluntary Fund for Vic-
19 tims of Torture.

20 (c) ORGANIZATION OF AMERICAN STATES.—Of the
21 amounts authorized to be appropriated under subsection
22 (a) \$2,000,000 for fiscal years 2004 and 2005 is author-
23 ized to be available for a United States voluntary contribu-
24 tion to the Organization of American States for the Inter-
25 American Committee Against Terrorism (CICTE) to iden-

1 tify and develop a port in the Latin American and Carib-
2 bean region into a model of best security practices and
3 appropriate technologies for improving port security in the
4 Western Hemisphere. Amounts authorized to be available
5 by the preceding sentence are authorized to remain avail-
6 able until expended and are in addition to amounts other-
7 wise available to carry out section 301 of the Foreign As-
8 sistance Act of 1961 (22 U.S.C. 2221).

9 (d) RESTRICTIONS ON UNITED STATES CONTRIBU-
10 TIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

11 (1) LIMITATION.—Of the amounts made avail-
12 able under subsection (a) for each of the fiscal years
13 2004 and 2005 for United States contributions to
14 the United Nations Development Program an
15 amount equal to the amount the United Nations De-
16 velopment Program will spend in Burma during each
17 fiscal year shall be withheld unless during such fiscal
18 year the Secretary of State submits to the appro-
19 priate congressional committees the certification de-
20 scribed in paragraph (2).

21 (2) CERTIFICATION.—The certification referred
22 to in paragraph (1) is a certification by the Sec-
23 retary of State that all programs and activities of
24 the United Nations Development Program (including

1 United Nations Development Program—Adminis-
2 tered Funds) in Burma—

3 (A) are focused on eliminating human suf-
4 fering and addressing the needs of the poor;

5 (B) are undertaken only through inter-
6 national or private voluntary organizations that
7 have been deemed independent of the State
8 Peace and Development Council (SPDC) (for-
9 merly known as the State Law and Order Res-
10 toration Council (SLORC)), after consultation
11 with the leadership of the National League for
12 Democracy and the leadership of the National
13 Coalition Government of the Union of Burma;

14 (C) provide no financial, political, or mili-
15 tary benefit to the SPDC; and

16 (D) are carried out only after consultation
17 with the leadership of the National League for
18 Democracy and the leadership of the National
19 Coalition Government of the Union of Burma.

20 (e) UNITED NATIONS POPULATION FUND
21 (UNFPA).—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
23 the amounts authorized to be appropriated under
24 subsection (a), \$50,000,000 for each of the fiscal
25 years 2004 and 2005 is authorized only to be avail-

1 able for a United States voluntary contribution to
2 the United Nations Population Fund (UNFPA).

3 (2) PERMANENT GUIDELINES FOR VOLUNTARY
4 CONTRIBUTIONS TO UNFPA.—Section 301 of the
5 Foreign Assistance Act of 1961 (22 U.S.C. 2221) is
6 amended by inserting after subsection (a) the fol-
7 lowing new subsection:

8 “(b)(1) For fiscal year fiscal year 2004 and each sub-
9 sequent fiscal year, funds appropriated to the President
10 or the Department of State under any law for a voluntary
11 contribution to the United Nations Population Fund
12 (UNFPA) may be obligated and expended for such pur-
13 pose beginning 30 days after such funds become available
14 and only if the President certifies to the Congress that
15 the United Nations Population Fund (UNFPA) does not
16 directly support or participate in coercive abortion or in-
17 voluntary sterilization. The certification authority of the
18 President under the preceding sentence may not be dele-
19 gated.

20 “(2) In paragraph (1), the term ‘directly supports or
21 participates in coercive abortion or involuntary steriliza-
22 tion’ means knowingly and intentionally working with a
23 purpose to continue, advance, or expand the practice of
24 coercive abortion or involuntary sterilization, or playing a

1 primary and essential role in a coercive or involuntary as-
2 pect of a country's family planning program.”.

3 **SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTER-**
4 **NATIONAL PEACEKEEPING ACTIVITIES.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated for the Department of State
7 for “Voluntary Contributions for International Peace-
8 keeping”, \$110,000,000 for the fiscal year 2004 and
9 \$110,000,000 for the fiscal year 2005.

10 (b) PEACEKEEPING IN AFRICA.—Of the amounts au-
11 thorized to be appropriated under subsection (a),
12 \$40,000,000 for the fiscal year 2004 and such sums as
13 may be necessary for the fiscal year 2005 is authorized
14 to be appropriated for peacekeeping activities in Africa.

15 **SEC. 118. GRANTS TO THE ASIA FOUNDATION.**

16 Section 404 of The Asia Foundation Act (title IV of
17 Public Law 98–164; 22 U.S.C. 4403) is amended to read
18 as follows:

19 “SEC. 404. There is authorized to be appropriated
20 to the Secretary of State \$18,000,000 for the fiscal year
21 2004 and \$18,000,000 for the fiscal year 2005 for grants
22 to The Asia Foundation pursuant to this title.”.

1 **Subtitle B—United States Inter-**
2 **national Broadcasting Activities**

3 **SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

4 The following amounts are authorized to be appro-
5 priated to carry out United States Government broad-
6 casting activities under the United States Information and
7 Educational Exchange Act of 1948, the United States
8 International Broadcasting Act of 1994, the Radio Broad-
9 casting to Cuba Act, the Television Broadcasting to Cuba
10 Act, and the Foreign Affairs Reform and Restructuring
11 Act of 1998, and to carry out other authorities in law con-
12 sistent with such purposes:

13 (1) INTERNATIONAL BROADCASTING OPER-
14 ATIONS.—

15 (A) IN GENERAL.—For “International
16 Broadcasting Operations”, \$600,354,000 for
17 the fiscal year 2004 and \$612,146,000 for the
18 fiscal year 2005.

19 (B) ALLOCATION OF FUNDS.—Of the
20 amounts authorized to be appropriated by sub-
21 paragraph (A), there is authorized to be avail-
22 able for Radio Free Asia \$30,000,000 for the
23 fiscal year 2004 and \$30,000,000 for the fiscal
24 year 2005.

1 (C) OFFICE OF GLOBAL INTERNET FREE-
2 DOM.—Of the amounts authorized to be appro-
3 priated by subparagraph (A), there is author-
4 ized to be available for the Broadcasting Board
5 of Governors for the establishment and oper-
6 ations of the Office of Global Internet Freedom
7 under section 524(a) \$8,000,000 for the fiscal
8 year 2004 and \$8,000,000 for the fiscal year
9 2005.

10 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
11 For “Broadcasting Capital Improvements”,
12 \$29,895,000 for the fiscal year 2004 and
13 \$11,395,000 for the fiscal year 2005.

14 (3) BROADCASTING TO CUBA.—For “Broad-
15 casting to Cuba”, \$26,901,000 for the fiscal year
16 2004 and \$27,439,000 for the fiscal year 2005.

17 **TITLE II—DEPARTMENT OF**
18 **STATE AUTHORITIES AND AC-**
19 **TIVITIES**
20 **Subtitle A—United States Public**
21 **Diplomacy**

22 **SEC. 201. FINDINGS AND PURPOSES.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

1 (1) The United States possesses strong and
2 deep connections with the peoples of the world sepa-
3 rate from its relations with their governments. These
4 connections can be a major asset in the promotion
5 of United States interests and foreign policy.

6 (2) Misinformation and hostile propaganda in
7 these countries regarding the United States and its
8 foreign policy endanger the interests of the United
9 States. Existing efforts to counter such misinforma-
10 tion and propaganda are inadequate and must be
11 greatly enhanced in both scope and substance.

12 (3) United States foreign policy has been ham-
13 pered by an insufficient consideration of the impor-
14 tance of public diplomacy in the formulation and im-
15 plementation of that policy and by the underuse of
16 modern communication techniques.

17 (4) The United States should have an oper-
18 ational strategy and a coordinated effort regarding
19 the utilization of its public diplomacy resources.

20 (5) The development of an operational strategy
21 and a coordinated effort by United States agencies
22 regarding public diplomacy would greatly enhance
23 United States foreign policy.

24 (6) The Secretary of State has undertaken ef-
25 forts to ensure that of the new positions established

1 at the Department of State after September 30,
2 2002, a significant proportion are for public diplo-
3 macy.

4 (b) PURPOSES.—It is the purpose of this subtitle to
5 enhance in scope and substance, redirect, redefine, and re-
6 organize United States public diplomacy.

7 **SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
8 **DEPARTMENT OF STATE.**

9 (a) IN GENERAL.—The State Department Basic Au-
10 thorities Act of 1956 (22 U.S.C. 265 et seq.) is amended
11 by inserting after section 58 the following new section:

12 **“SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
13 **DEPARTMENT OF STATE.**

14 “(a) IN GENERAL.—The Secretary of State shall
15 make public diplomacy an integral component in the plan-
16 ning and execution of United States foreign policy. The
17 Department of State, in coordination with the United
18 States International Broadcasting Agency, shall develop a
19 comprehensive strategy for the use of public diplomacy re-
20 sources and assume a prominent role in coordinating the
21 efforts of all Federal agencies involved in public diplo-
22 macy. Public diplomacy efforts shall be addressed to devel-
23 oped and developing countries, to select and general audi-
24 ences, and shall utilize all available media to ensure that
25 the foreign policy of the United States is properly ex-

1 plained and understood not only by the governments of
2 countries but also by their peoples, with the objective of
3 enhancing support for United States foreign policy. The
4 Secretary shall ensure that the public diplomacy strategy
5 of the United States is cohesive and coherent and shall
6 aggressively and through the most effective mechanisms
7 counter misinformation and propaganda concerning the
8 United States. The Secretary shall endeavor to articulate
9 the importance in American foreign policy of the guiding
10 principles and doctrines of the United States, particularly
11 freedom and democracy. The Secretary, in coordination
12 with the Board of Governors of the United States Inter-
13 national Broadcasting Agency, shall develop and articulate
14 long-term measurable objectives for United States public
15 diplomacy. The Secretary is authorized to produce and
16 distribute public diplomacy programming for distribution
17 abroad in order to achieve public diplomacy objectives, in-
18 cluding through satellite communication, the Internet, and
19 other established and emerging communications tech-
20 nologies.

21 “(b) INFORMATION CONCERNING UNITED STATES
22 ASSISTANCE.—

23 “(1) IDENTIFICATION OF ASSISTANCE.—In co-
24 operation with the United States Agency for Inter-
25 national Development (USAID) and other public

1 and private assistance organizations and agencies,
2 the Secretary shall ensure that information con-
3 cerning foreign assistance provided by the United
4 States Government, United States nongovernmental
5 organizations and private entities, and the American
6 people is disseminated widely and prominently, par-
7 ticularly, to the extent practicable, within countries
8 and regions that receive such assistance. The Sec-
9 retary shall ensure that, to the extent practicable,
10 projects funded by the United States Agency for
11 International Development (USAID) that do not in-
12 volve commodities, including projects implemented
13 by private voluntary organizations, are identified as
14 being supported by the United States of America, as
15 American Aid or provided by the American people.

16 “(2) REPORT TO CONGRESS.—Not later than
17 120 days after the end of each fiscal year, the Sec-
18 retary shall submit a report to the Committee on
19 International Relations of the House of Representa-
20 tives and the Committee on Foreign Relations of the
21 Senate on efforts to disseminate information con-
22 cerning assistance described in paragraph (1) during
23 the preceding fiscal year. Each such report shall in-
24 clude specific information concerning all instances in
25 which the United States Agency for International

1 Development has not identified projects in the man-
2 ner prescribed in paragraph (1) because such identi-
3 fication was not practicable. Any such report shall
4 be submitted in unclassified form, but may include
5 a classified appendix.

6 “(c) AUTHORITY.— Subject to the availability of ap-
7 propriations, the Secretary may contract with and com-
8 pensate government and private agencies or persons for
9 property and services to carry out this section.”.

10 (b) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-
11 SERVE CORPS.—

12 (1) The Secretary of State shall establish a
13 public diplomacy reserve corps to augment the public
14 diplomacy capacity and capabilities of the Depart-
15 ment in emergency and critical circumstances world-
16 wide. The Secretary shall develop a contingency plan
17 for the use of the corps to bolster public diplomacy
18 resources and expertise. To the extent necessary and
19 appropriate, the Secretary may recruit experts in
20 public diplomacy and related fields from the private
21 sector.

22 (2) While actively serving with the reserve
23 corps, individuals are prohibited from engaging in
24 activities directly or indirectly intended to influence
25 public opinion within the United States to the same

1 degree that employees of the Department engaged in
2 public diplomacy are so prohibited.

3 (c) FUNCTIONS OF THE UNDER SECRETARY FOR
4 PUBLIC DIPLOMACY.—

5 (1) Section 1(b)(3) of the State Department
6 Basic Authorities Act of 1956 (22 U.S.C.
7 2651a(b)(3)) is amended by striking “formation”
8 and all that follows through the period at the end
9 and inserting “formation, supervision, and imple-
10 mentation of United States public diplomacy poli-
11 cies, programs, and activities, including the provision
12 of guidance to Department personnel in the United
13 States and overseas who conduct or implement such
14 policies, programs, and activities. The Under Sec-
15 retary for Public Diplomacy shall assist the United
16 States Agency for International Broadcasting in pre-
17 senting the policies of the United States clearly and
18 effectively, shall submit statements of United States
19 policy and editorial material to the Agency for
20 broadcast consideration in addition to material pre-
21 pared by the Agency, and shall ensure that editorial
22 material created by the Agency for broadcast is re-
23 viewed expeditiously by the Department.”.

24 (2) The Under Secretary for Public Diplomacy,
25 in carrying out the functions under the last sentence

1 of section 1(b)(3) of the State Department Basic
2 Authorities Act of 1956 (as added by paragraph (1),
3 shall consult with public diplomacy officers operating
4 at United States overseas posts and in the regional
5 bureaus of the Department of State.

6 **SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRAT-**
7 **EGY.**

8 The Secretary of State, in coordination with all ap-
9 propriate Federal agencies, shall prepare an annual review
10 and analysis of the impact of public diplomacy efforts on
11 target audiences. Each review shall assess the United
12 States public diplomacy strategy worldwide and by region,
13 including the allocation of resources and an evaluation and
14 assessment of the progress in, and barriers to, achieving
15 the goals set forth under previous plans submitted under
16 this section. On the basis of such review, the Secretary
17 of State, in coordination with all appropriate Federal
18 agencies shall develop and submit, as part of the annual
19 budget submission, a public diplomacy strategy which
20 specifies goals, agency responsibilities, and necessary re-
21 sources and mechanisms for achieving such goals during
22 the next fiscal year. The plan may be submitted in classi-
23 fied form.

1 **SEC. 204. PUBLIC DIPLOMACY TRAINING.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) The Foreign Service should recruit individ-
5 uals with expertise and professional experience in
6 public diplomacy.

7 (2) Ambassadors should have a prominent role
8 in the formulation of public diplomacy strategies for
9 the countries and regions to which they are assigned
10 and be accountable for the operation and success of
11 public diplomacy efforts at their posts.

12 (3) Initial and subsequent training of Foreign
13 Service officers should be enhanced to include infor-
14 mation and training on public diplomacy and the
15 tools and technology of mass communication.

16 (b) PERSONNEL.—

17 (1) In the recruitment, training, and assign-
18 ment of members of the Foreign Service, the Sec-
19 retary shall emphasize the importance of public di-
20 plomacy and of applicable skills and techniques. The
21 Secretary shall consider the priority recruitment into
22 the Foreign Service, at middle-level entry, of individ-
23 uals with expertise and professional experience in
24 public diplomacy, mass communications, or jour-
25 nalism, especially individuals with language facility
26 and experience in particular countries and regions.

1 (2) The Secretary of State shall seek to in-
2 crease the number of Foreign Service officers pro-
3 ficient in languages spoken in predominantly Muslim
4 countries. Such increase shall be accomplished
5 through the recruitment of new officers and incen-
6 tives for officers in service.

7 **SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUB-**
8 **LIC DIPLOMACY.**

9 (a) STUDY AND REPORT BY UNITED STATES ADVI-
10 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section
11 604(c)(2) of the United States Information and Edu-
12 cational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is
13 amended to read as follows:

14 “(2)(A) Not less often than every two years, the Com-
15 mission shall undertake an in-depth review of United
16 States public diplomacy programs, policies, and activities.
17 Each study shall assess the effectiveness of the various
18 mechanisms of United States public diplomacy, in light
19 of factors including public and media attitudes around the
20 world toward the United States, Americans, United States
21 foreign policy, and the role of the American private-sector
22 community abroad, and make appropriate recommenda-
23 tions.

24 “(B) A comprehensive report of each study under
25 subparagraph (A) shall be submitted to the Secretary of

1 State and the appropriate congressional committees. At
2 the discretion of the Commission, any report under this
3 subsection may be submitted in classified or unclassified
4 form, as appropriate.”.

5 (b) INFORMATION AND SUPPORT FROM OTHER
6 AGENCIES.—Upon request of the United States Advisory
7 Commission on Public Diplomacy, the Secretary of State,
8 the Director of the United States International Broad-
9 casting Agency, and the head of any other Federal agency
10 that conducts public diplomacy programs and activities
11 shall provide information to the Advisory Commission to
12 assist in carrying out the responsibilities under section
13 604(c)(2) of the United States Information and Edu-
14 cational Exchange Act of 1948 (as amended by subsection
15 (a)).

16 (c) ENHANCING THE EXPERTISE OF UNITED STATES
17 ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

18 (1) QUALIFICATIONS OF MEMBERS.—Section
19 604(a)(2) of the United States Information and
20 Educational Exchange Act of 1948 (22 U.S.C.
21 1469(a)(2)) is amended by adding at the end the
22 following: “At least 4 members shall have substan-
23 tial experience in the conduct of public diplomacy or
24 comparable activities in the private sector. At least
25 1 member shall be an American residing abroad. No

1 member may be an officer or employee of the United
2 States.”.

3 (2) APPLICATION OF AMENDMENT.—The
4 amendments made by paragraph (1) shall not apply
5 to individuals who are members of the United States
6 Advisory Commission on Public Diplomacy on the
7 date of the enactment of this Act.

8 **SEC. 206. LIBRARY PROGRAM.**

9 The Secretary of State shall develop and implement
10 a demonstration program to assist foreign governments to
11 establish or upgrade their public library systems to im-
12 prove literacy and support public education. The program
13 should provide training in the library sciences. The pur-
14 pose of the program shall be to advance American values
15 and society, particularly the importance of freedom and
16 democracy.

17 **SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DI-**
18 **PLOMACY EFFORTS IN SUB-SAHARAN AFRI-**
19 **CA.**

20 (a) FINDINGS.—The Congress makes the following
21 findings:

22 (1) A significant number of sub-Saharan Afri-
23 can countries have predominantly Muslim popu-
24 lations, including such key countries as Nigeria,
25 Senegal, Djibouti, Mauritania, and Guinea.

1 (2) In several of these countries, groups with
2 links to militant religious organizations are active
3 among the youth, primarily young men, promoting a
4 philosophy and practice of intolerance and radical
5 clerics are effectively mobilizing public sentiment
6 against the United States.

7 (b) SENSE OF CONGRESS.—It is the sense of the
8 Congress that the Secretary should include countries in
9 sub-Saharan Africa with predominantly Muslim popu-
10 lations in the public diplomacy activities authorized by this
11 Act and the amendments made by this Act.

12 **SEC. 208. THE COLIN POWELL CENTER FOR AMERICAN DI-**
13 **PLOMACY.**

14 Title I of the State Department Basic Authorities Act
15 of 1956 is amended by adding after section 59 (22 U.S.C.
16 2730) the following new section:

17 **“SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLO-**
18 **MACY.**

19 “(a) DESIGNATION.—The diplomacy center of the
20 Department of State, located in the Harry S Truman
21 building, is hereby designated as the ‘Colin Powell Center
22 for American Diplomacy’ (hereinafter in this section re-
23 ferred to as the ‘Center’).

24 “(b) ACTIVITIES.—

1 “(1) SUPPORT AUTHORIZED.—The Secretary of
2 State is authorized to provide by contract, grant, or
3 otherwise, for the performance of appropriate mu-
4 seum visitor and educational outreach services, in-
5 cluding organizing conference activities, museum
6 shop services, and food services, in the public exhibit
7 and related space utilized by the Center.

8 “(2) PAYMENT OF EXPENSES.—The Secretary
9 may pay all reasonable expenses of conference activi-
10 ties conducted by the Center, including refreshments
11 and reimbursement of travel expenses incurred by
12 participants.

13 “(3) RECOVERY OF COSTS.—Any revenues gen-
14 erated under the authority of paragraph (1) for vis-
15 itor services may be retained, as a recovery of the
16 costs of operating the Center, and credited to any
17 Department of State appropriation.

18 “(c) DISPOSITION OF CENTER ARTIFACTS AND MA-
19 TERIALS.—

20 “(1) PROPERTY OF SECRETARY.—All historic
21 documents, artifacts, or other articles permanently
22 acquired by the Department of State and deter-
23 mined by the Secretary to be suitable for display in
24 the Center shall be considered to be the property of
25 the Secretary in the Secretary’s official capacity and

1 shall be subject to disposition solely in accordance
2 with this subsection.

3 “(2) SALE OR TRADE.—Whenever the Secretary
4 makes the determination under paragraph (3) with
5 respect to an item, the Secretary may sell at fair
6 market value, trade, or transfer the item, without re-
7 gard to the requirements of subtitle I of title 40,
8 United States Code. The proceeds of any such sale
9 may be used solely for the advancement of the Cen-
10 ter’s mission and may not be used for any purpose
11 other than the acquisition and direct care of collec-
12 tions.

13 “(3) DETERMINATIONS PRIOR TO SALE OR
14 TRADE.—The determination referred to in para-
15 graph (2), with respect to an item, is a determina-
16 tion that—

17 “(A) the item no longer serves to further
18 the purposes of the Center established in the
19 collections management policy of the Center; or

20 “(B) in order to maintain the standards of
21 the collections of the Center, the sale or ex-
22 change of the item would be a better use of the
23 item.

24 “(4) LOANS.—The Secretary may also lend
25 items covered by paragraph (1), when not needed for

1 use or display in the Center, to the Smithsonian In-
2 stitution or a similar institution for repair, study, or
3 exhibition.”.

4 **Subtitle B—Basic Authorities and**
5 **Activities**

6 **SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERU-**
7 **SALEM AS THE CAPITAL OF ISRAEL.**

8 (a) LIMITATION ON USE OF FUNDS FOR CONSULATE
9 IN JERUSALEM.—None of the funds authorized to be ap-
10 propriated by this Act may be expended for the operation
11 of a United States consulate or diplomatic facility in Jeru-
12 salem unless such consulate or diplomatic facility is under
13 the supervision of the United States Ambassador to Israel.

14 (b) LIMITATION ON USE OF FUNDS FOR PUBLICA-
15 TIONS.—None of the funds authorized to be appropriated
16 by this Act may be available for the publication of any
17 official government document which lists countries and
18 their capital cities unless the publication identifies Jeru-
19 salem as the capital of Israel.

20 (c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR
21 PASSPORT PURPOSES.—The first section of “An Act to
22 regulate the issue and validity of passports, and for other
23 purposes”, approved July 3, 1926 (22 U.S.C. 211a; 44
24 Stat. 887) is amended by inserting after the first sentence
25 the following: “For purposes of the issuance of a passport

1 of a United States citizen born in the city of Jerusalem,
2 the Secretary shall, upon the request of the citizen or the
3 citizen's legal guardian, record the place of birth as
4 Israel.”.

5 **SEC. 222. MODIFICATION OF REPORTING REQUIREMENTS.**

6 (a) REPEAL.—Section 805 of the Admiral James W.
7 Nance and Meg Donovan Foreign Relations Authorization
8 Act, Fiscal Years 2000 and 2001 (section 805(a) of divi-
9 sion A of H.R. 3427, as enacted into law by section
10 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat.
11 1501A-470) (relating to reports on terrorist activity in
12 which United States citizens were killed and related mat-
13 ters) is hereby repealed.

14 (b) ANNUAL COUNTRY REPORTS ON TERRORISM.—
15 Section 140(b)(2) of the Foreign Relations Authorization
16 Act, Fiscal Years 1988 and 1989 (Public Law 100-204;
17 22 U.S.C. 2656f(b)(2)) is amended—

18 (1) in subparagraph (D), by striking “and” at
19 the end;

20 (2) in subparagraph (E), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(F) for the reports due through May 1,
24 2005, information concerning terrorist attacks
25 in Israel, territory administered by Israel, and

1 territory administered by the Palestinian Au-
2 thority, including—

3 “(i) a list of all citizens of the United
4 States killed or injured in such attacks
5 during the previous year;

6 “(ii) the date of each attack and the
7 total number of people killed or injured in
8 each attack;

9 “(iii) the person or group claiming re-
10 sponsibility for the attack and where such
11 person or group has found refuge or sup-
12 port;

13 “(iv) to the extent possible, a list of
14 suspects implicated in each attack and the
15 nationality of each suspect, including infor-
16 mation on their whereabouts (or suspected
17 whereabouts);

18 “(v) a list of any terrorist suspects in
19 these cases who are members of Pales-
20 tinian police or security forces, the Pal-
21 estine Liberation Organization, or any Pal-
22 estinian governing body;

23 “(vi) the status of each case pending
24 against a suspect, including information on
25 whether the suspect has been arrested, de-

1 tained, indicted, prosecuted, or convicted
2 by the Palestinian Authority or Israel, and
3 if detained and then released, the date of
4 such release, and whether any released
5 suspect was implicated in subsequent acts
6 of terrorism;

7 “(vii) available information on convic-
8 tions, releases or changes in the situation
9 of suspects involved in attacks committed
10 prior to December 31, 2003, and not cov-
11 ered in previous reports submitted under
12 section 805(a) of the Admiral James W.
13 Nance and Meg Donovan Foreign Rela-
14 tions Authorization Act, Fiscal Years 2000
15 and 2001; and

16 “(viii) the policy of the Department of
17 State with respect to offering rewards for
18 information on terrorist suspects, including
19 any information on whether a reward has
20 been posted for suspects involved in ter-
21 rorist attacks listed in the report.”.

22 (c) CONSULTATION.—The Secretary of State shall, in
23 preparing the portion of the annual country reports on ter-
24 rorism required by subparagraph (F) of section 140(b)(2)
25 of the Foreign Relations Authorization Act, Fiscal Years

1 1988 and 1989 (Public Law 100–204; 22 U.S.C.
2 2656f(b)(2)), as added by subsection (b), consult and co-
3 ordinate with all other Government officials who have in-
4 formation necessary to complete that portion of the report.
5 Nothing contained in this subsection shall require the dis-
6 closure, on a classified or unclassified basis, of information
7 that would jeopardize sensitive sources and methods or
8 other vital national security interests or jeopardize ongoing
9 criminal investigations or proceedings.

10 **SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE**
11 **ISRAEL'S DIPLOMATIC RELATIONS WITH**
12 **OTHER COUNTRIES.**

13 (a) FINDINGS.—The Congress makes the following
14 findings:

15 (1) Israel is a friend and ally of the United
16 States whose security is vital to regional stability
17 and United States interests.

18 (2) Israel currently maintains diplomatic rela-
19 tions with approximately 160 countries. Approxi-
20 mately 30 countries do not have any diplomatic rela-
21 tions with Israel.

22 (3) The State of Israel has been actively seek-
23 ing to establish formal relations with a number of
24 countries.

1 (4) The United States should assist its ally,
2 Israel, in its efforts to establish diplomatic relations.

3 (5) After more than 50 years of existence,
4 Israel deserves to be treated as an equal nation by
5 its neighbors and the world community.

6 (b) REPORT CONCERNING UNITED STATES EFFORTS
7 TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH
8 OTHER COUNTRIES.—Not later than 60 days after the
9 date of the enactment of this Act, the Secretary shall sub-
10 mit a report to the appropriate congressional committees
11 that includes the following information (in classified or un-
12 classified form, as appropriate):

13 (1) Actions taken by the United States to en-
14 courage other countries to establish full diplomatic
15 relations with Israel.

16 (2) Specific responses solicited and received by
17 the Secretary from countries that do not maintain
18 full diplomatic relations with Israel with respect to
19 the status of negotiations to enter into diplomatic
20 relations with Israel.

21 (3) Other measures being undertaken, and
22 measures that will be undertaken, by the United
23 States to ensure and promote Israel's full participa-
24 tion in the world diplomatic community.

1 **SEC. 224. REIMBURSEMENT RATE FOR AIRLIFT SERVICES**

2 **PROVIDED TO THE DEPARTMENT OF STATE.**

3 Section 2642 of title 10, United States Code, is
4 amended—

5 (1) in the heading by inserting “and Depart-
6 ment of State” after “Central Intelligence Agency”;
7 and

8 (2) in subsection (a) by striking “Agency,” and
9 inserting “Agency or the Department of State,”.

10 **SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL**
11 **UNITED STATES CONSULAR POSTS.**

12 It is the sense of the Congress that to help advance
13 United States economic, political, and public diplomacy in-
14 terests, the Secretary of State should make best efforts
15 to establish consulates or other appropriate diplomatic
16 presence in: Pusan, South Korea; Medan, Indonesia; and
17 Hat Yai, Thailand.

18 **SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR**
19 **TRAVEL TO COUNTRIES RECEIVING UNITED**
20 **STATES FOREIGN ASSISTANCE.**

21 The first section of the Act entitled “An Act to regu-
22 late the issue and validity of passports, and for other pur-
23 poses”, approved July 3, 1926 (22 U.S.C. 211a) is amend-
24 ed by striking “travellers.” and inserting “travellers, and
25 no such restriction may apply to a country in which the

1 United States is providing assistance authorized by the
2 Foreign Assistance Act of 1961.”.

3 **SEC. 227. SECURITY CAPITAL COST SHARING.**

4 (a) AUTHORIZATION.—The first section of the For-
5 eign Service Buildings Act, 1926 (22 U.S.C. 292) is
6 amended by adding at the end the following new sub-
7 section:

8 “(c) SECURITY CAPITAL COST-SHARING PRO-
9 GRAM.—(1) The Secretary of State, as the single manager
10 of all buildings and grounds acquired under this Act or
11 otherwise acquired or authorized for the use of the diplo-
12 matic and consular establishments in foreign countries, is
13 authorized to establish and implement a Security Capital
14 Cost-Sharing Program to collect funds from each agency
15 on the basis of its total overseas presence in a manner
16 that encourages rightsizing of its overseas presence, and
17 expend those funds to accelerate the provision of safe, se-
18 cure, functional buildings for United States Government
19 personnel overseas.

20 “(2) The Secretary is authorized to determine annu-
21 ally and charge each Federal agency the amount to be col-
22 lected under paragraph (1) from the agency. To determine
23 such amount, the Secretary may prescribe and use a for-
24 mula that takes into account the number of authorized
25 positions of each agency, including contractors and locally

1 hired personnel, who are assigned to United States diplo-
2 matic facilities and are under the authority of a chief of
3 mission pursuant to section 207 of the Foreign Service
4 Act of 1980 (22 U.S.C. 3927).

5 “(3) The head of an agency charged a fee under this
6 section shall remit the amount of the fee to the Secretary
7 of State through the Intra-Governmental Payment and
8 Collection System or other appropriate means.

9 “(4) There shall be established on the books of the
10 Treasury an account to be known as the ‘Security Capital
11 Cost-Sharing Program Fund’, which shall be administered
12 by the Secretary. There shall be deposited into the account
13 all amounts collected by the Secretary pursuant to the au-
14 thority under paragraph (1), and such funds shall remain
15 available until expended. Such funds shall be used solely
16 for the provision of new safe, secure, functional diplomatic
17 facilities that comply with all applicable legal standards,
18 including those standards established under the authority
19 of the Secure Embassy Construction and
20 Counterterrorism Act of 1999. The Secretary shall include
21 in the Department of State’s Congressional Presentation
22 Document an accounting of the sources and uses of the
23 amounts deposited into the account.

24 “(5) The Secretary shall not collect a fee for an au-
25 thorized position of an agency of the Federal Government

1 that has been or would be granted a waiver pursuant to
2 section 606(a)(2)(B)(i) of the Secure Embassy Construc-
3 tion and Counterterrorism Act of 1999 (22 U.S.C.
4 4865(a)(2)(B)(i)).

5 “(6) In this subsection—

6 “(A) the term ‘agency of the Federal
7 Government’—

8 “(i) includes the Interagency Cooperative
9 Administrative Support Service; and

10 “(ii) does not include the Marine Security
11 Guard; and

12 “(B) the term ‘United States diplomatic facil-
13 ity’ has the meaning given that term in section 603
14 of the Secure Embassy Construction and
15 Counterterrorism Act of 1999 (22 U.S.C. 4865
16 note).”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect on October 1, 2004.

19 **SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**
20 **POENAS.**

21 Section 37 of the State Department Basic Authorities
22 Act of 1956 (22 U.S.C. 2709) is amended by adding at
23 the end the following new subsection:

24 “(d) ADMINISTRATIVE SUBPOENAS.—

1 “(1) IN GENERAL.—If the Secretary determines
2 that there is an imminent threat against a person,
3 foreign mission, or international organization pro-
4 tected under the authority of subsection (a)(3), the
5 Secretary may issue in writing, and cause to be
6 served, a subpoena requiring—

7 “(A) the production of any records or
8 other items relevant to the threat; and

9 “(B) testimony by the custodian of the
10 items required to be produced concerning the
11 production and authenticity of those items.

12 “(2) REQUIREMENTS.—

13 “(A) RETURN DATE.—A subpoena under
14 this subsection shall describe the items required
15 to be produced and shall specify a return date
16 within a reasonable period of time within which
17 the requested items may be assembled and
18 made available. The return date specified may
19 not be less than 24 hours after service of the
20 subpoena.

21 “(B) NOTIFICATION TO ATTORNEY GEN-
22 ERAL.—As soon as practicable following the
23 issuance of a subpoena under this subsection,
24 the Secretary shall notify the Attorney General
25 of its issuance.

1 “(C) OTHER REQUIREMENTS.—The fol-
2 lowing provisions of section 3486 of title 18,
3 United States Code, shall apply to the exercise
4 of the authority of paragraph (1):

5 “(i) Paragraphs (4) through (8) of
6 subsection (a).

7 “(ii) Subsections (b), (c), and (d).

8 “(3) DELEGATION OF AUTHORITY.—The au-
9 thority under this subsection may be delegated only
10 to the Deputy Secretary of State.

11 “(4) ANNUAL REPORT.—Not later than Feb-
12 ruary 1 of each year, the Secretary shall submit to
13 the Committee on Foreign Relations of the Senate
14 and the Committee on International Relations of the
15 House of Representatives a report regarding the ex-
16 ercise of the authority under this subsection during
17 the previous calendar year.”.

18 **SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND**
19 **MAINTAINING THE UNITED STATES COMMIT-**
20 **MENT TO REFUGEES.**

21 (a) FINDINGS.—The Congress makes the following
22 findings:

23 (1) The United States has a longstanding tradi-
24 tion of providing refugee assistance and relief
25 through the Department of State’s migration and

1 refugee assistance account for refugees throughout
2 the world who have been subjected to religious and
3 other forms of persecution.

4 (2) A strong refugee resettlement and assist-
5 ance program is a critical component of the United
6 States' strong commitment to freedom.

7 (3) The United States refugee admissions pro-
8 gram has been in decline for much of the last five
9 years, resulting in a chronic inability of the United
10 States to meet the ceiling on refugee admissions that
11 has been set by the President each year.

12 (4) Refugee applicants have always undergone
13 rigorous security screenings. The September 11,
14 2001, terrorist attacks on the United States has
15 rightfully increased the awareness of the need to en-
16 sure that all aliens seeking admission to the United
17 States would not endanger the United States.

18 (5) Private voluntary organizations and non-
19 governmental organizations (NGOs) have and con-
20 tinue to provide valuable information to State De-
21 partment officials for refugee processing, and along
22 with Embassy personnel, can be utilized to assist in
23 the preliminary screening of refugees so that State
24 Department officials can focus to a greater extent on
25 security.

1 (6) Currently there are 15 million refugees
2 worldwide. In order to meet the ceiling set by the
3 Administration, which has been 70,000 in recent
4 years, a broader cross-section could be considered
5 for resettlement in the United States if the Depart-
6 ment of State were to expand existing refugee proc-
7 essing priority categories in a reasonable and re-
8 sponsible manner. Expansion of refugee selection
9 should include the expanded use of both the existing
10 category reserved for refugees of special interest to
11 the United States as well as the existing categories
12 reserved for family reunification.

13 (b) PURPOSE.—It is the purpose of this section to
14 provide the Department of State with tools to enable it
15 to carry out its responsibilities with greater efficiency with
16 respect to the identification and processing of refugee ap-
17 plicants.

18 (c) ENHANCEMENT OF REFUGEE IDENTIFICATION
19 AND PROCESSING.—

20 (1) In addition to traditional agencies currently
21 used in the processing of refugees for admission to
22 the United States, where applicable, the Secretary
23 shall develop and utilize partnerships with voluntary
24 resettlement organizations that permit such organi-

1 zations to assist in the identification and referral of
2 refugees.

3 (2) In addition to traditional agencies currently
4 used in the processing of refugees for admission to
5 the United States, where applicable, the Secretary
6 shall utilize private voluntary organizations with ties
7 to domestic constituencies in the overseas processing
8 of refugees.

9 (3) In addition to traditional agencies currently
10 used in the processing of refugees for admission to
11 the United States, where applicable, the Secretary
12 shall establish refugee response teams.

13 (A) ESTABLISHMENT OF REFUGEE RE-
14 SPONSE TEAMS.—In order to make the proc-
15 essing of refugees more efficient and effective,
16 enhance the quality of refugee resettlement pro-
17 grams, and to augment the capacity of the
18 United States government to identify, process,
19 assist, and counsel individuals for eventual ad-
20 judication by the Department of Homeland Se-
21 curity as refugees, where applicable, the Sec-
22 retary shall establish and utilize the services of
23 Refugee Response Teams, (in this section re-
24 ferred to as “RRTs”). RRTs shall be coordi-
25 nated by the Assistant Secretary of State for

1 Population, Refugees, and Migration, or the As-
2 sistant Secretary's designee.

3 (B) COMPOSITION OF THE RRTS.—RRTs
4 shall be comprised of representatives of non-
5 governmental organizations and private vol-
6 untary organizations that have experience in
7 refugee law, policy and programs.

8 (C) RESPONSIBILITIES OF THE RRTS.—
9 RRTs shall be responsible for—

10 (i) monitoring refugee situations, with
11 a view toward identifying those refugees
12 whose best durable solution is third coun-
13 try resettlement;

14 (ii) preparing profiles and documenta-
15 tion for resettlement consideration by the
16 United States Government;

17 (iii) augmenting or establishing an
18 overseas operation, especially in response
19 to urgent developments requiring quick re-
20 sponses or more staff resources than are
21 available in the existing processing entities;

22 (iv) assisting with training and tech-
23 nical assistance to existing international
24 organizations and other processing entities;
25 and

1 (v) such other responsibilities as may
2 be determined by the Secretary of State.

3 (D) RESPONSIBILITIES OF THE SEC-
4 RETARY.—The Secretary shall establish appro-
5 priate training seminars for RRT personnel and
6 make use of RRTs in situations where existing
7 mechanisms are unable to identify and process
8 refugees in a timely manner.

9 (d) PERFORMANCE STANDARDS.—In consultation
10 with private voluntary organizations and NGOs, the Sec-
11 retary shall establish performance standards to ensure ac-
12 countability and effectiveness in the tasks carried out in
13 subsection (c).

14 (e) CONSIDERATION OF VARIOUS GROUPS.—To en-
15 sure that there is adequate planning across fiscal years
16 and that both the Department of State's planning and
17 processing operations result in adequate numbers of trav-
18 el-ready refugees to fulfill the admissions goals set forth
19 in the determinations on refugee admissions required by
20 sections 207(a) and 207(b) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1157(a) and (b)), the Secretary
22 of State shall work to ensure that—

23 (1) those refugees in special need, including
24 long-stayers in first countries of asylum, unaccom-
25 panied refugee minors, urban refugees, and refugees

1 in women-headed households be given special atten-
2 tion for resettlement processing;

3 (2) attempts are made to expand processing of
4 those refugees of all nationalities who have close
5 family ties to citizens and residents in the United
6 States, including spouses, unmarried children, or
7 parents of persons lawfully admitted to the United
8 States, regardless of their country of nationality,
9 country of habitual residence, or first country of asy-
10 lum, as well as grandparents, grandchildren, married
11 sons or daughters, or siblings of United States citi-
12 zens or other persons lawfully admitted to the
13 United States;

14 (3) attempts are made to expand the number of
15 refugees considered who are of special concern to the
16 United States; and

17 (4) expanded access is provided to broader cat-
18 egories of refugees seeking admission to the United
19 States, thus reducing instances of relationship-based
20 misrepresentation by persons who are bona fide ref-
21 ugees but who resort to such misrepresentation
22 merely as a way to be interviewed for refugee status.

23 (f) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of State shall

1 submit a report to Congress that includes information con-
2 cerning the following:

3 (1) Efforts of the Secretary to utilize NGO's in
4 refugee identification, utilize private voluntary orga-
5 nizations in processing refugees, establish and utilize
6 RRTs, and an explanation of the rationale for not
7 using such organizations and agencies in situations
8 where the Secretary has made such a determination,
9 as described in subsection (c).

10 (2) Efforts of the Secretary to implement per-
11 formance standards and measures as described in
12 subsection (d) and the success of NGO's and private
13 voluntary organizations in meeting such standards.

14 (3) Efforts of the Secretary to expand consider-
15 ation of various groups for refugee processing as de-
16 scribed in subsection (e).

17 (4) Efforts to ensure that there is planning
18 across fiscal years so as to fulfill the refugee admis-
19 sions goals set forth by the President in his annual
20 presidential determinations on refugee admissions.

21 **SEC. 230. THE COLIN POWELL CENTER FOR AMERICAN DI-**
22 **PLOMACY.**

23 Title I of the State Department Basic Authorities Act
24 of 1956 is amended by adding after section 59 (22 U.S.C.
25 2730) the following new section:

1 **“SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLO-**
2 **MACY.**

3 “(a) DESIGNATION.—The diplomacy center of the
4 Department of State, located in the Harry S Truman
5 building, is hereby designated as the ‘Colin Powell Center
6 for American Diplomacy’ (hereinafter in this section re-
7 ferred to as the ‘Center’).

8 “(b) ACTIVITIES.—

9 “(1) SUPPORT AUTHORIZED.—The Secretary of
10 State is authorized to provide by contract, grant, or
11 otherwise, for the performance of appropriate mu-
12 seum visitor and educational outreach services, in-
13 cluding organizing conference activities, museum
14 shop services, and food services, in the public exhibit
15 and related space utilized by the Center.

16 “(2) PAYMENT OF EXPENSES.—The Secretary
17 may pay all reasonable expenses of conference activi-
18 ties conducted by the Center, including refreshments
19 and reimbursement of travel expenses incurred by
20 participants.

21 “(3) RECOVERY OF COSTS.—Any revenues gen-
22 erated under the authority of paragraph (1) for vis-
23 itor services may be retained, as a recovery of the
24 costs of operating the Center, and credited to any
25 Department of State appropriation.

1 “(c) DISPOSITION OF CENTER ARTIFACTS AND MA-
2 TERIALS.—

3 “(1) PROPERTY OF SECRETARY.—All historic
4 documents, artifacts, or other articles permanently
5 acquired by the Department of State and deter-
6 mined by the Secretary to be suitable for display in
7 the Center shall be considered to be the property of
8 the Secretary in the Secretary’s official capacity and
9 shall be subject to disposition solely in accordance
10 with this subsection.

11 “(2) SALE OR TRADE.—Whenever the Secretary
12 makes the determination under paragraph (3) with
13 respect to an item, the Secretary may sell at fair
14 market value, trade, or transfer the item, without re-
15 gard to the requirements of subtitle I of title 40,
16 United States Code. The proceeds of any such sale
17 may be used solely for the advancement of the Cen-
18 ter’s mission and may not be used for any purpose
19 other than the acquisition and direct care of collec-
20 tions.

21 “(3) DETERMINATIONS PRIOR TO SALE OR
22 TRADE.—The determination referred to in para-
23 graph (2), with respect to an item, is a determina-
24 tion that—

1 “(A) the item no longer serves to further
2 the purposes of the Center established in the
3 collections management policy of the Center; or

4 “(B) in order to maintain the standards of
5 the collections of the Center, the sale or ex-
6 change of the item would be a better use of the
7 item.

8 “(4) LOANS.—The Secretary may also lend
9 items covered by paragraph (1), when not needed for
10 use or display in the Center, to the Smithsonian In-
11 stitution or a similar institution for repair, study, or
12 exhibition.”.

13 **Subtitle C—Educational and**
14 **Cultural Authorities**

15 **SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMI-**
16 **NANTLY MUSLIM COUNTRIES.**

17 (a) FINDINGS.—The Congress makes the following
18 findings:

19 (1) Surveys indicate that, in countries of pre-
20 dominantly Muslim population, opinions of the
21 United States and American foreign policy among
22 the general public and select audiences are signifi-
23 cantly distorted by highly negative and hostile beliefs
24 and images and that many of these beliefs and im-
25 ages are the result of misinformation and propa-

1 ganda by individuals and organizations hostile to the
2 United States.

3 (2) These negative opinions and images are
4 highly prejudicial to the interests of the United
5 States and to its foreign policy.

6 (3) As part of a broad and long-term effort to
7 enhance a positive image of the United States in the
8 Muslim world, a key element should be the establish-
9 ment of programs to promote a greater familiarity
10 with American society and values among the general
11 public and select audiences in countries of predomi-
12 nantly Muslim population.

13 (b) ESTABLISHMENT OF INITIATIVES.—The Sec-
14 retary of State shall establish the following programs with
15 countries with predominantly Muslim populations as part
16 of the educational and cultural exchange programs of the
17 Department of State for the fiscal years 2004 and 2005:

18 (1) JOURNALISM PROGRAM.—A program for
19 foreign journalists, editors, media managers, and
20 postsecondary students of journalism which, in co-
21 operation with private sector sponsors to include
22 universities, shall sponsor workshops and profes-
23 sional training in techniques, standards, and prac-
24 tices in the field of journalism to assist the partici-

1 pants to achieve the highest standards of profes-
2 sionalism.

3 (2) ENGLISH LANGUAGE TEACHING.—The Sec-
4 retary shall provide grants to United States citizens
5 to work in middle and secondary schools as English
6 language teaching assistants for not less than an
7 academic year. If feasible, the host government or
8 local educational agency shall share the salary costs
9 of the assistants.

10 (3) SISTER CITY PARTNERSHIPS.—The Sec-
11 retary shall expand and enhance sister-city partner-
12 ships between United States and international mu-
13 nicipalities in an effort to increase global cooperation
14 at the community level. Such partnerships shall en-
15 courage economic development, municipal coopera-
16 tion, health care initiatives, youth and educational
17 programs, disability advocacy, emergency prepared-
18 ness, and humanitarian assistance.

19 (4) CIVICS EDUCATION.—The Secretary shall
20 establish a civics education program which shall de-
21 velop civics education teaching curricula and mate-
22 rials, provide training for teachers of civics, and pro-
23 vide English language teaching materials that are
24 designed to promote civics education. Civics edu-
25 cation programs under this paragraph shall place

1 particular emphasis on the on-site training of edu-
2 cators and the function of the mass media within
3 that society.

4 (5) YOUTH AMBASSADORS.—The Secretary
5 shall establish a program for visits by middle school
6 students (to the extent feasible) and secondary
7 school students to the United States during school
8 holidays in their home country for periods not to ex-
9 ceed 4 weeks and a program for academic year study
10 in the United States for secondary school students.
11 Participating students shall reflect the economic, ge-
12 ographic, and ethnic diversity of their countries. Ac-
13 tivities shall include cultural and educational activi-
14 ties designed to familiarize participating students
15 with American society and values. To the extent
16 practicable, the program involving school holiday vis-
17 its shall be coordinated with middle and secondary
18 schools in the United States to provide for school-
19 based activities and interactions. The Secretary shall
20 encourage the establishment of direct school-to-
21 school linkages under the programs.

22 (6) FULBRIGHT EXCHANGE PROGRAM.—The
23 Secretary shall seek to substantially increase the
24 number of awards under the J. William Fulbright
25 Educational Exchange Program to graduate stu-

1 dents, scholars, professionals, teachers, and adminis-
2 trators from the United States who are applying for
3 such awards to study, teach, conduct research, or
4 pursue scholarship in predominantly Muslim coun-
5 tries. Part of such increase shall include awards for
6 scholars and teachers who plan to teach subjects re-
7 lating to American studies.

8 (7) HUBERT H. HUMPHREY FELLOWSHIPS.—
9 The Secretary shall seek to substantially increase
10 the number of Hubert H. Humphrey Fellowships
11 awarded to candidates from predominantly Muslim
12 countries.

13 (8) LIBRARY TRAINING EXCHANGE PROGRAM.—
14 The Secretary shall develop an exchange program
15 for postgraduate students seeking additional training
16 in the library sciences and related fields.

17 (c) GENERAL PROVISION.—Programs established
18 under this section shall be carried out under the provisions
19 of the United States Information and Educational Ex-
20 change Act of 1948 and the Mutual Educational and Cul-
21 tural Exchange Act of 1961.

22 **SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICI-**
23 **PANTS IN EXCHANGE PROGRAMS.**

24 To the extent practicable, the Secretary of State, in
25 coordination with the heads of other agencies that conduct

1 international exchange and training programs, shall estab-
2 lish and maintain a database listing all American and for-
3 eign alumni of such programs in order to encourage net-
4 working, interaction, and communication with alumni.

5 **SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DE-**
6 **MOCRACY ADVOCATES IN EDUCATIONAL AND**
7 **CULTURAL EXCHANGE PROGRAMS.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Secretary of State shall submit to
10 the Congress a report concerning the implementation of
11 section 102 of the Human Rights, Refugee, and Other
12 Foreign Relations Provisions Act of 1996. The report shall
13 include information concerning the number of grants to
14 conduct exchange programs to countries described in such
15 section that have been submitted for competitive bidding,
16 what measures have been taken to ensure that willingness
17 to include supporters of freedom and democracy in such
18 programs is given appropriate weight in the selection of
19 grantees, and an evaluation of whether United States ex-
20 change programs in the countries described in such section
21 are fully open to supporters of freedom and democracy,
22 and, if not, what obstacles remain and what measures are
23 being taken to implement such policy.

1 **SEC. 254. SENSE OF THE CONGRESS CONCERNING EDU-**
2 **CATIONAL AND CULTURAL EXCHANGE PRO-**
3 **GRAM FOR FOREIGN JOURNALISTS.**

4 It is the sense of the Congress that the Secretary of
5 State should work toward the establishment of a program
6 for foreign journalists from regions of conflict that will
7 provide professional training in techniques, standards, and
8 practices in the field of journalism.

9 **SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FUL-**
10 **BRIGHT PROGRAMS.**

11 It is the sense of the Congress that Fulbright pro-
12 gram activities for Korea should—

13 (1) include participation by students from
14 throughout South Korea, including proportional rep-
15 resentation from areas outside of Seoul;

16 (2) attempt to include Korean students from a
17 broad range of educational institutions, including
18 schools other than elite universities;

19 (3) broaden the Korean student emphasis be-
20 yond degree-seeking graduate students, to include
21 opportunities for one-year nondegree study at
22 United States campuses by pre-doctoral Korean stu-
23 dents; and

24 (4) include a significant number of Korean stu-
25 dents planning to move into areas other than ad-
26 vanced research and university teaching, such as

1 those heading towards careers in government service,
2 media, law, and business.

3 **SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS**
4 **FOR GRADUATE STUDY.**

5 Section 237 of the Foreign Relations Authorization
6 Act, Fiscal Years 1994 and 1995 (Public Law 103–236)
7 is amended by inserting “graduate or” after “at the”.

8 **SEC. 257. PUBLIC SAFETY AWARENESS IN STUDY ABROAD**
9 **PROGRAMS.**

10 With respect to the Department of State’s support
11 for study abroad programs, Congress—

12 (1) encourages the Bureau of Educational and
13 Cultural Affairs to support public safety awareness
14 activities as part of such programs; and

15 (2) encourages the Bureau to continue sup-
16 porting such activities and urges special attention to
17 public safety issues, including road safety.

18 **Subtitle D—Consular Authorities**

19 **SEC. 271. MACHINE READABLE VISAS.**

20 Section 140(a) of the Foreign Relations Authoriza-
21 tion Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351
22 note) is amended by adding at the end the following:

23 “(4) For each of the fiscal years 2004 and
24 2005, any amount that exceeds \$700,000,000 may
25 be made available only if a notification is submitted

1 to Congress in accordance with the procedures appli-
2 cable to reprogramming notifications under section
3 34 of the State Department Basic Authorities Act of
4 1956.”.

5 **SEC. 272. PROCESSING OF VISA APPLICATIONS.**

6 (a) IN GENERAL.—It shall be the policy of the De-
7 partment of State to process each visa application from
8 an alien classified as an immediate relative or as a K-1
9 nonimmigrant within 30 days of the receipt of all nec-
10 essary documents from the applicant and the Department
11 of Homeland Security. In the case of an immigrant visa
12 application where the petitioner is a relative other than
13 an immediate relative, it should be the policy of the De-
14 partment to process such an application within 60 days
15 of the receipt of all necessary documents from the appli-
16 cant and the Department of Homeland Security.

17 (b) DEFINITIONS.—In this section:

18 (1) IMMEDIATE RELATIVE.—The term “imme-
19 diate relative” has the meaning given the term in
20 section 201(b)(2)(A)(i) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)).

22 (2) K-1 NONIMMIGRANT.—The term “K-1 non-
23 immigrant” means a nonimmigrant alien described
24 in section 101(a)(15)(K)(i) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

1 **SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.**

2 At least once every five years and pursuant to a proc-
3 ess determined by the President for staffing at diplomatic
4 missions and overseas constituent posts, the Secretary of
5 State shall require each chief of mission to review every
6 staff element under chief of mission authority, including
7 staff from other executive agencies, and recommend ap-
8 proval or disapproval of each staff element. The Secretary
9 of State shall submit an annual report concerning such
10 reviews together with the Secretary's recommendations to
11 the heads of all affected agencies and the Inspector Gen-
12 eral of the Department of State.

13 **TITLE III—ORGANIZATION AND**
14 **PERSONNEL OF THE DEPART-**
15 **MENT OF STATE**

16 **SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

17 The Secretary of State is authorized to establish in
18 the Department of State an exchange program to be des-
19 ignated the "Fellowship of Hope Program". The program
20 shall provide for the exchange and assignment of govern-
21 ment employees of designated countries to fellowship posi-
22 tions at the Department of State and reciprocal assign-
23 ment of civil service and foreign service employees of the
24 Department as fellows within the governments of foreign
25 countries.

1 **SEC. 302. CLAIMS FOR LOST PAY.**

2 Section 2 of the State Department Basic Authorities
3 Act (22 U.S.C. 2669) is amended—

4 (1) at the end of subsection (o) by striking the
5 period and inserting “; and”; and

6 (2) by inserting after subsection (o) the fol-
7 lowing new subsection:

8 “(p) make administrative corrections or adjustments
9 to an employee’s pay, allowances, or differentials, resulting
10 from mistakes or retroactive personnel actions, and to pro-
11 vide back pay and other categories of payments under the
12 Back Pay Act as part of the settlement of administrative
13 claims or grievances filed against the Department.”.

14 **SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

15 (a) ESTABLISHMENT.—There is established in the
16 Office of the Secretary of State the position of Ombuds-
17 man. The position of Ombudsman shall be a career posi-
18 tion within the Senior Executive Service. The Ombudsman
19 shall report directly to the Secretary of State.

20 (b) DUTIES.—At the discretion of the Secretary of
21 State, the Ombudsman shall participate in meetings re-
22 garding the management of the Department in order to
23 assure that all employees may contribute to the achieve-
24 ment of the Department’s responsibilities and to promote
25 the career interests of all employees.

1 (c) CONFORMING AMENDMENT.—Section 172 of the
2 Foreign Relations Authorization Act, Fiscal Years 1988
3 and 1989 (22 U.S.C. 2664a) is amended—

4 (1) by striking subsection (c); and

5 (2) by redesignating subsection (d) as sub-
6 section (c).

7 **SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT**
8 **FOR SENIOR FOREIGN SERVICE.**

9 Section 305 of the Foreign Service Act of 1980 (22
10 U.S.C. 3945) is amended by striking subsection (d).

11 **SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES**
12 **OF STATE DEPARTMENT.**

13 Not later than one year after the date of the enact-
14 ment of this Act, the Secretary of State shall prepare and
15 submit to the appropriate congressional committees a re-
16 port that analyzes and evaluates the merits of the conver-
17 sion of employees of the Department of State to excepted
18 service under chapter 21 of title 5, United States Code.

19 **SEC. 306. HOME LEAVE.**

20 (a) REST AND RECUPERATION TRAVEL.—Section
21 901(6) of the Foreign Service Act of 1980 (22 U.S.C.
22 4081(6)) is amended by striking “unbroken by home
23 leave” both places it appears.

24 (b) REQUIRED LEAVE IN THE UNITED STATES.—
25 Section 903(a) of the Foreign Service Act of 1980 (22

1 U.S.C. 4083(a)) is amended by striking “18 months” and
2 inserting “12 months”.

3 **SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIF-**
4 **FERENTIALS AND DANGER PAY ALLOW-**
5 **ANCES.**

6 (a) POST DIFFERENTIALS.—Section 5925(a) of title
7 5, United States Code, is amended by striking “25 per-
8 cent” in the third sentence and inserting “35 percent”.

9 (b) DANGER PAY ALLOWANCES.—Section 5928 of
10 title 5, United States Code, is amended by striking “25
11 percent” both places it appears and inserting “35 per-
12 cent”.

13 (c) CRITERIA.—The Secretary shall inform the ap-
14 propriate congressional committees of the criteria to be
15 used in determinations of appropriate adjustments in post
16 differentials under section 5925 of title 5, United States
17 Code, and danger pay allowances under section 5928 of
18 title 5, United States Code.

19 (d) STUDY AND REPORT.—Two years after the date
20 of the enactment of this Act, the Secretary of State shall
21 conduct a study assessing the effect of the increases in
22 post differentials and danger pay allowances made by the
23 amendments in subsections (a) and (b) in filling “hard-
24 to-fill” positions. The Secretary shall submit a report of
25 such study to the appropriate congressional committees.

1 **SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT**
2 **FOR GOVERNMENT SERVICE PERFORMED**
3 **ABROAD.**

4 Section 321(f) of the Foreign Relations Authorization
5 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law
6 107–228) is amended by striking “regulations” and in-
7 serting “regulations, not later than 60 days after the date
8 of the enactment of the Foreign Relations Authorization
9 Act, Fiscal Years 2004 and 2005,”.

10 **SEC. 309. MINORITY RECRUITMENT.**

11 (a) REPORTING REQUIREMENT.—Section 324 of the
12 Foreign Relations Authorization Act, Fiscal Year 2003
13 (Public Law 107–228) is amended by striking “and April
14 1, 2004” and inserting “April 1, 2004, and April 1,
15 2005”.

16 (b) USE OF FUNDS.—The provisions of section 325
17 of such Act shall apply to funds authorized by section
18 111(a)(1)(E) of this Act.

19 (c) CONFORMING AMENDMENT.—Section 325(c) of
20 such Act is amended in the second sentence by striking
21 “two” and inserting “three”.

22 **SEC. 310. MERITORIOUS STEP INCREASES.**

23 Section 406(b) of the Foreign Service Act of 1980
24 (22 U.S.C. 3966(b)) is amended by striking “receiving an
25 increase in salary under subsection (a),”.

1 **TITLE IV—INTERNATIONAL**
2 **ORGANIZATIONS**
3 **Subtitle A—Basic Authorities and**
4 **Activities**

5 **SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBU-**
6 **TIONS.**

7 Section 404(b)(2)(B) of the Foreign Relations Au-
8 thorization Act, Fiscal Years 1994 and 1995 is amended
9 by inserting after clause (iv) the following:

10 “(v) For assessments made during
11 calendar year 2005 and calendar year
12 2006, 27.10 percent.”.

13 **SEC. 402. REGARDING THE REENTRY OF THE UNITED**
14 **STATES IN UNESCO.**

15 (a) SENSE OF CONGRESS.—As the United States re-
16 sumes membership in the United Nations Educational,
17 Scientific, and Cultural Organization (UNESCO), the
18 President should—

19 (1) appoint a United States Representative to
20 the Organization for Economic Cooperation and De-
21 velopment (OECD) who shall also serve as the
22 United States Representative to UNESCO;

23 (2) take steps to ensure that more Americans
24 are employed by UNESCO, particularly for senior
25 level positions;

1 (3) request that the Secretary General of
2 UNESCO create a Deputy Director General position
3 for Management or a comparable position with high
4 level managerial and administrative responsibilities
5 to be filled by an American;

6 (4) insist that any increases in UNESCO's
7 budget beyond the level of zero nominal growth for
8 the 2004-2005 biennium focus primarily on the
9 adoption of management and administrative reforms;
10 and

11 (5) request that the Secretary General of
12 UNESCO spend the United States contribution to
13 UNESCO for the last quarter of calendar year 2003
14 on key education and science priorities of the organi-
15 zation that will directly benefit United States na-
16 tional interests.

17 (b) ANNUAL ASSESSMENT FOR UNITED STATES PAR-
18 TICIPATION IN UNESCO.—Of the amounts authorized to
19 be appropriated by section 113(a), such sums as may be
20 necessary for each of the fiscal years 2004 and 2005 are
21 authorized to be available for the annual assessment for
22 United States contributions to the regular budget of the
23 United Nations Educational, Scientific, and Cultural Or-
24 ganization.

1 **SEC. 403. UNESCO NATIONAL COMMISSION.**

2 (a) IN GENERAL.—Section 3 of the Act of July 30,
3 1946, “Providing for membership and participation by the
4 United States in the United Nations Educational, Sci-
5 entific, and Cultural Organization, and authorizing an ap-
6 propriation therefor.” (22 U.S.C. 287o) is amended to
7 read as follows:

8 “SEC. 3. (a) In fulfillment of article VII of the con-
9 stitution of the Organization, the Secretary of State shall
10 establish a National Commission on Educational, Sci-
11 entific, and Cultural Cooperation.

12 “(b) The National Commission shall be composed of
13 not more than 35 members appointed by the Secretary
14 of State in consultation with the National Academy of
15 Sciences, the National Science Foundation, the Secretary
16 of Education, the Secretary of Health and Human Serv-
17 ices, and the Secretary of the Interior. Members of the
18 National Commission shall be representatives of non-
19 governmental organizations, academic institutions, and as-
20 sociations interested in education, scientific, and cultural
21 matters. Periodically, the Secretary shall review and revise
22 the entities represented on the National Commission in
23 order to achieve a desirable rotation in representation. Ex-
24 cept as otherwise provided, each member of the National
25 Commission shall be appointed to a term of 3 years. As
26 designated by the Secretary of State at the time of ap-

1 pointment, of the members first appointed one-third shall
2 be appointed for a term of 1 year, one-third shall be ap-
3 pointed for a term of 2 years, and one-third shall be ap-
4 pointed for a term of 3 years. Any member appointed to
5 fill a vacancy occurring before the expiration of the term
6 for which the member's predecessor was appointed shall
7 be appointed only for the remainder of that term. A mem-
8 ber may serve after the expiration of that member's term
9 until a successor has taken office. No member may serve
10 more than 2 consecutive terms. The Secretary of State
11 shall designate a chair of the National Commission.

12 “(c) Members of the National Commission shall serve
13 without pay. For attendance at the annual meeting, each
14 member shall receive travel expenses in accordance with
15 section 5703 of title 5, United States Code.

16 “(d) The National Commission shall meet at the call
17 of the chair at least annually and such meetings may be
18 through video conferencing or other electronic means. The
19 National Commission shall designate an executive com-
20 mittee from among the members of the commission and
21 may designate such other committees as may be necessary
22 to carry out its duties under this Act.

23 “(e) Upon request of the National Commission, the
24 Secretary of State may detail any of the personnel of the

1 Department of State to the National Commission to assist
2 it in carrying out its duties under this Act.”.

3 (b) CONFORMING CHANGES.—Section 2 of the Act of
4 July 30, 1946, “Providing for membership and participa-
5 tion by the United States in the United Nations Edu-
6 cational, Scientific, and Cultural Organization, and au-
7 thorizing an appropriation therefor.” (22 U.S.C. 287o) is
8 amended by striking “One of the representatives” and all
9 that follows through the end of such section.

10 **SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS)**
11 **EMERGENCY FUND.**

12 Section 109(b)(3) of Public Law 104–114 (22 U.S.C.
13 6039(b)(3)) is amended by striking “should provide not
14 less than \$5,000,000” and inserting “shall provide for
15 each of the fiscal years 2004 and 2005 not less than
16 \$500,000”.

17 **SEC. 405. UNITED STATES EFFORTS REGARDING THE STA-**
18 **TUS OF ISRAEL IN THE WESTERN EUROPEAN**
19 **AND OTHERS GROUP AT THE UNITED NA-**
20 **TIONS.**

21 (a) UNITED STATES EFFORTS.—The Secretary of
22 State and other appropriate officials of the United States
23 Government should pursue an aggressive diplomatic effort
24 and should take all necessary steps to ensure the extension

1 and upgrade of Israel's membership in the Western Euro-
2 pean and Others Group at the United Nations.

3 (b) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act and semiannually thereafter
5 through September 30, 2005, the Secretary of State shall
6 submit to the appropriate congressional committees a re-
7 port on the steps taken by the United States pursuant
8 to subsection (a) and progress in achieving the objectives
9 of subsection (a).

10 **Subtitle B—United States** 11 **International Leadership**

12 **SEC. 431. SHORT TITLE.**

13 This subtitle may be cited as the “United States
14 International Leadership Act of 2003”.

15 **SEC. 432. FINDINGS.**

16 The Congress makes the following findings:

17 (1) International organizations and other multi-
18 lateral institutions play a key role in United States
19 foreign policy and serve key United States foreign
20 policy objectives, such as obligating all countries to
21 freeze assets of terrorist groups, preventing the pro-
22 liferation of chemical, biological, and nuclear weap-
23 ons, and spearheading the fight to combat the rav-
24 ages of HIV/AIDS and other infectious diseases.

1 (2) Decisions at many international organiza-
2 tions, including membership and key positions, re-
3 main subject to determinations made by regional
4 groups where democratic states are often in the mi-
5 nority and where there is intensive cooperation
6 among repressive regimes. As a result, the United
7 States has often been blocked in its attempts to take
8 action in these institutions to advance its goals and
9 objectives, including at the United Nations Human
10 Rights Commission (where a representative of Libya
11 was elected as chairman and the United States tem-
12 porarily lost a seat).

13 (3) In order to address these shortcomings, the
14 United States must actively work to improve the
15 workings of international organizations and multilat-
16 eral institutions, particularly by creating a caucus of
17 democratic countries that will advance United States
18 interests. In the Second Ministerial Conference of
19 the Community of Democracies in Seoul, Korea, on
20 November 10–20, 2002, numerous countries rec-
21 ommended working together as a democracy caucus
22 in international organizations such as the United
23 Nations and ensuring that international and regional
24 institutions develop and apply democratic standards
25 for member states.

1 (4) In addition, the United States has short-
2 changed its ability to influence these organizations
3 by failing to obtain enough support for positions
4 that are congruent to or consistent with United
5 States objectives and has not done enough to build
6 expertise in the United States Government in the
7 area of multilateral diplomacy.

8 **SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

9 (a) IN GENERAL.—The President of the United
10 States, acting through the Secretary of State and the rel-
11 evant United States chiefs of mission, shall seek to estab-
12 lish a democracy caucus at the United Nations, the United
13 Nations Human Rights Commission, the United Nations
14 Conference on Disarmament, and at other broad-based
15 international organizations.

16 (b) PURPOSES OF THE CAUCUS.—A democracy cau-
17 cus at an international organization should—

18 (1) forge common positions, including, as ap-
19 propriate, at the ministerial level, on matters of con-
20 cern before the organization and work within and
21 across regional lines to promote agreed positions;

22 (2) work to revise an increasingly outmoded
23 system of regional voting and decision making; and

24 (3) set up a rotational leadership scheme to
25 provide member states an opportunity, for a set pe-

1 riod of time, to serve as the designated president of
2 the caucus, responsible for serving as its voice in
3 each organization.

4 **SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
5 **ERAL ISSUES.**

6 The Secretary of State, acting through the principal
7 officers responsible for advising the Secretary on inter-
8 national organizations, shall ensure that a high-level dele-
9 gation from the United States Government, on an annual
10 basis, is sent to consult with key foreign governments in
11 every region in order to promote the United States agenda
12 at key international fora, such as the United Nations Gen-
13 eral Assembly, United Nations Human Rights Commis-
14 sion, the United Nations Education, Science, and Cultural
15 Organization, and the International Whaling Commission.

16 **SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTER-**
17 **NATIONAL ORGANIZATIONS.**

18 (a) UNITED STATES POLICY.—The President, acting
19 through the Secretary of State and the relevant United
20 States chiefs of mission, shall use the voice, vote, and in-
21 fluence of the United States to—

22 (1) where appropriate, reform the criteria for
23 leadership and, in appropriate cases for membership,
24 at all United Nations bodies and at other inter-
25 national organizations and multilateral institutions

1 to which the United States is a member so as to ex-
2 clude nations that violate the principles of the spe-
3 cific organization;

4 (2) make it a policy of the United Nations and
5 other international organizations and multilateral in-
6 stitutions, of which the United States is a member,
7 that a member state may not stand in nomination
8 or be in rotation for a leadership position in such
9 bodies if the member state is subject to sanctions
10 imposed by the United Nations Security Council;
11 and

12 (3) work to ensure that no member state stand
13 in nomination or be in rotation for a leadership posi-
14 tion in such organizations, or for membership of the
15 United Nations Security Council, if the member
16 state is subject to a determination under section
17 620A of the Foreign Assistance Act of 1961, section
18 40 of the Arms Export Control Act, or section 6(j)
19 of the Export Administration Act.

20 (b) REPORT TO CONGRESS.—Not later than 15 days
21 after a country subject to to a determination under section
22 620A of the Foreign Assistance Act of 1961, section 40
23 of the Arms Export Control Act, or section 6(j) of the
24 Export Administration Act is selected for a leadership post
25 in an international organization of which the United

1 States is a member or a membership of the United Na-
2 tions Security Council, the Secretary of State shall submit
3 a report to the appropriate congressional committees on
4 any steps taken pursuant to subsection (a)(3).

5 **SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLO-**
6 **MACY.**

7 (a) TRAINING PROGRAMS.—Section 708 of the For-
8 eign Service Act of 1980 (22 U.S.C. 4028) is amended
9 by adding after subsection (b) the following new sub-
10 section:

11 “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a series of training courses for officers of the
14 Service, including appropriate chiefs of mission, on
15 the conduct of diplomacy at international organiza-
16 tions and other multilateral institutions and at
17 broad-based multilateral negotiations of inter-
18 national instruments.

19 “(2) PARTICULAR PROGRAMS.—The Secretary
20 shall ensure that the training described in paragraph
21 (1) is provided at various stages of the career of
22 members of the Service. In particular, the Secretary
23 shall ensure that after January 1, 2004—

24 “(A) officers of the Service receive training
25 on the conduct of diplomacy at international or-

1 ganizations and other multilateral institutions
2 and at broad-based multilateral negotiations of
3 international instruments as part of their train-
4 ing upon entry of the Service; and

5 “(B) officers of the Service, including
6 chiefs of mission, who are assigned to United
7 States missions representing the United States
8 to international organizations and other multi-
9 lateral institutions or who are assigned in
10 Washington, D.C. to positions that have as
11 their primary responsibility formulation of pol-
12 icy towards such organizations and institutions
13 or towards participation in broad-based multi-
14 lateral negotiations of international instruments
15 receive specialized training in the areas de-
16 scribed in paragraph (1) prior to beginning of
17 service for such assignment or, if receiving such
18 training at that time is not practical, within the
19 first year of beginning such assignment.”.

20 (b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—

21 The Secretary shall ensure that employees of the Depart-
22 ment of State that are members of the civil service and
23 that are assigned to positions described in section 708(c)
24 of the Foreign Service Act of 1980 (as amended by this
25 subtitle) have training described in such section.

1 (c) CONFORMING AMENDMENTS.—Section 708 of
2 such Act is further amended—

3 (1) in subsection (a) by striking “(a) The” and
4 inserting “(a) TRAINING ON HUMAN RIGHTS.—
5 The”; and

6 (2) in subsection (b) by striking “(b) The” and
7 inserting “(b) TRAINING ON REFUGEE LAW AND
8 RELIGIOUS PERSECUTION.—The”.

9 **SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
10 **ORGANIZATIONS.**

11 (a) PROMOTIONS.—

12 (1) IN GENERAL.—Section 603(b) of the For-
13 eign Service Act of 1980 (22 U.S.C. 4003) is
14 amended by striking the period at the end and in-
15 serting: “, and shall consider whether the member of
16 the Service has served in a position whose primary
17 responsibility is to formulate policy towards or rep-
18 resent the United States at an international organi-
19 zation, a multilateral institution, or a broad-based
20 multilateral negotiation of an international instru-
21 ment.”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall take effect January 1, 2010.

24 (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-
25 MACY CONE IN THE FOREIGN SERVICE.—

1 (1) FINDINGS.—

2 (A) The Department of State maintains a
3 number of United States missions both within
4 the United States and abroad that are dedi-
5 cated to representing the United States to
6 international organizations and multilateral in-
7 stitutions, including missions in New York,
8 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
9 enna, and Paris, which will soon be responsible
10 for United States representation to UNESCO
11 and OECD.

12 (B) In offices at the Harry S. Truman
13 Building, the Department maintains a signifi-
14 cant number of positions in bureaus that are ei-
15 ther dedicated, or whose primary responsibility
16 is, to represent the United States to such orga-
17 nizations and institutions or at multilateral ne-
18 gotiations.

19 (C) Given the large number of positions in
20 the United States and abroad that are dedi-
21 cated to multilateral diplomacy, the Department
22 of State may be well served in developing per-
23 sons with specialized skills necessary to become
24 experts in this unique form of diplomacy.

1 (2) REPORT.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the appropriate congressional com-
4 mittees a report—

5 (A) evaluating whether a new cone should
6 be established for the Foreign Service that con-
7 centrates on members of the Service that serve
8 at international organizations and multilateral
9 institutions or are primarily responsible for par-
10 ticipation in broad-based multilateral negotia-
11 tions of international instruments; and

12 (B) provides alternative mechanisms for
13 achieving the objective of developing a core
14 group of United States diplomats and other
15 government employees who have expertise and
16 broad experience in conducting multilateral di-
17 plomacy.

18 **SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
19 **FICE ON MULTILATERAL NEGOTIATIONS.**

20 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
21 State is authorized to establish, within the Bureau of
22 International Organizational Affairs, an Office on Multi-
23 lateral Negotiations to be headed by a Special Representa-
24 tive for Multilateral Negotiations (in this section referred
25 to as the “special representative”).

1 (b) APPOINTMENT.—The special representative shall
2 be appointed by the President with the advice and consent
3 of the Senate and shall have the rank of Ambassador-at-
4 Large. At the discretion of the President another official
5 at the Department may serve as the special representative.
6 The President may direct that the special representative
7 report to the Assistant Secretary for International Organi-
8 zations.

9 (c) STAFFING.—The special representative shall have
10 a staff of foreign service and civil service officers skilled
11 in multilateral diplomacy.

12 (d) DUTIES.—The special representative shall have
13 the following responsibilities:

14 (1) IN GENERAL.—The primary responsibility
15 of the special representative shall be to assist in the
16 organization of, and preparation for, United States
17 participation in multilateral negotiations, including
18 the advocacy efforts undertaken by the Department
19 of State and other United States agencies.

20 (2) ADVISORY ROLE.—The special representa-
21 tive shall advise the President and the Secretary of
22 State, as appropriate, regarding advocacy at inter-
23 national organizations and multilateral institutions
24 and negotiations and, in coordination with the As-
25 sistant Secretary of State for International Organi-

1 zational Affairs, shall make recommendations
2 regarding—

3 (A) effective strategies (and tactics) to
4 achieve United States policy objectives at multi-
5 lateral negotiations;

6 (B) the need for and timing of high level
7 intervention by the President, the Secretary of
8 State, the Deputy Secretary of State, and other
9 United States officials to secure support from
10 key foreign government officials for the United
11 States position at such organizations, institu-
12 tions, and negotiations;

13 (C) the composition of United States dele-
14 gations to multilateral negotiations; and

15 (D) liaison with Congress, international or-
16 ganizations, nongovernmental organizations,
17 and the private sector on matters affecting mul-
18 tilateral negotiations.

19 (3) DEMOCRACY CAUCUS.—The special rep-
20 resentative, in coordination with the Assistant Sec-
21 retary for International Organizational Affairs, shall
22 ensure the establishment of a democracy caucus.

23 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-
24 LATERAL ISSUES.—The special representative, in co-
25 ordination with the Assistant Secretary for Inter-

1 national Organizational Affairs, shall organize an-
2 nual consultations between the principal officers re-
3 sponsible for advising the Secretary of State on
4 international organizations and foreign governments
5 to promote the United States agenda at the United
6 Nations General Assembly and other key inter-
7 national fora (such as the United Nations Human
8 Rights Commission).

9 (5) LEADERSHIP AND MEMBERSHIP OF INTER-
10 NATIONAL ORGANIZATIONS.—The special representa-
11 tive, in coordination with the Assistant Secretary of
12 International Organizational Affairs, shall direct the
13 efforts of the United States Government to reform
14 the criteria for leadership and membership of inter-
15 national organizations as described in section 435.

16 (6) PARTICIPATION IN MULTILATERAL NEO-
17 TLATIONS.—The special representative, or members
18 of the special representative's staff, may, as required
19 by the President or the Secretary of State, serve on
20 a United States delegation to any multilateral nego-
21 tiation.

22 (e) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of State shall
24 submit a plan to establish a democracy caucus to the ap-
25 propriate congressional committees. The report required

1 by section 437(c) may be submitted together with the re-
2 port under this subsection.

3 **SEC. 439. SYNCHRONIZATION OF UNITED STATES CON-**
4 **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**
5 **TIONS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the President shall submit a plan to the
8 appropriate congressional committees on the implementa-
9 tion of section 404 of the Foreign Relations Authorization
10 Act of 2003 (Public Law 107–228), (relating to a resump-
11 tion by the United State of the payment of its full con-
12 tribution to certain international organizations at the be-
13 ginning of each calendar year).

14 **TITLE V—UNITED STATES**
15 **INTERNATIONAL BROAD-**
16 **CASTING ACTIVITIES**
17 **Subtitle A—Basic Authorities and**
18 **Activities**

19 **SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.**

20 (a) The United States International Broadcasting
21 Act of 1994 (22 U.S.C. 6201 et seq.) is amended by add-
22 ing after section 309 the following new section:

1 **“SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK,**
2 **INC.**

3 “(a) **AUTHORITY.**—Grants authorized under section
4 305 shall be available to make annual grants to Mideast
5 Radio and Television Network, Inc. (hereinafter in this
6 title also referred to as ‘Mideast Network’) for the purpose
7 of carrying out radio and television broadcasting to the
8 Middle East region.

9 “(b) **FUNCTION.**—Mideast Network shall provide
10 radio and television programming to the Middle East re-
11 gion consistent with the broadcasting standards and
12 broadcasting principles set forth in section 303 of this Act.

13 “(c) **GRANT AGREEMENT.**—Any grant agreement or
14 grants under this section shall be subject to the following
15 limitations and restrictions:

16 “(1) The Board may not make any grant to the
17 nonprofit corporation, Mideast Network unless its
18 certificate of incorporation provides that—

19 “(A) the Board of Directors of Mideast
20 Radio and Television Network, Inc. (hereinafter
21 referred to as ‘the Board’) shall consist of the
22 members of the Broadcasting Board of Gov-
23 ernors established under section 304 and of no
24 other members; and

25 “(B) the Board shall make all major policy
26 determinations governing the operation of Mid-

1 east Network and shall appoint and fix the
2 compensation of such managerial officers and
3 employees of Mideast Network as it considers
4 necessary to carry out the purposes of the grant
5 provided under this title, except that no officer
6 or employee may be paid a salary or other com-
7 pensation in excess of the rate of pay payable
8 for Level IV of the Executive Schedule under
9 section 5315 of title 5, United States Code.

10 “(2) Any grant agreement under this section
11 shall require that any contract entered into by Mid-
12 east Network shall specify that obligations are as-
13 sumed by Mideast Network and not the United
14 States Government.

15 “(3) Any grant agreement shall require that
16 any lease agreement entered into by Mideast Net-
17 work shall be, to the maximum extent possible, as-
18 signable to the United States Government.

19 “(4) Grants awarded under this section shall be
20 made pursuant to a grant agreement which requires
21 that grant funds be used only for activities con-
22 sistent with this section, and that failure to comply
23 with such requirements shall permit the grant to be
24 terminated without fiscal obligation to the United
25 States.

1 “(5) Duplication of language services and tech-
2 nical operations between the Mideast Radio and Tel-
3 evision Network, Inc., (including Radio Sawa), RFE/
4 RL, and the International Broadcasting Bureau will
5 be reduced to the extent appropriate, as determined
6 by the Board.

7 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-
8 TALITY.—Nothing in this title may be construed to estab-
9 lish Mideast Network as a Federal agency or instrumen-
10 tality, nor shall the officers or employees of Mideast Net-
11 work be considered to be officers or employees of the
12 United States Government.

13 “(e) AUDIT AUTHORITY.—

14 “(1) Such financial transactions of Mideast
15 Network, as relate to functions carried out under
16 this section may be audited by the General Account-
17 ing Office in accordance with such principles and
18 procedures and under such rules and regulations as
19 may be prescribed by the Comptroller General of the
20 United States. Any such audit shall be conducted at
21 the place or places where accounts of Mideast Net-
22 work are normally kept.

23 “(2) Representatives of the General Accounting
24 Office shall have access to all books, accounts,
25 records, reports, files, papers, and property belong-

1 ing to or in use by Mideast Network pertaining to
2 such financial transactions as necessary to facilitate
3 an audit. Such representatives shall be afforded full
4 facilities for verifying transactions with any assets
5 held by depositories, fiscal agents, and custodians.
6 All such books, accounts, records, reports, files, pa-
7 pers, and property of Mideast Network shall remain
8 in the custody of Mideast Network.

9 “(3) Notwithstanding any other provisions of
10 law, the Inspector General of the Department of
11 State is authorized to exercise the authorities of the
12 Inspector General Act with respect to the Mideast
13 Network.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 305 of the United States Inter-
16 national Broadcasting Act of 1994 (22 U.S.C. 6204)
17 is amended—

18 (A) in subsection (a)(5) by striking “308
19 and 309” and inserting “308, 309, and 310”;

20 (B) in subsection (a)(6) by striking “308
21 and 309” and inserting “308, 309, and 310”;
22 and

23 (C) in subsection (c) by striking “308 and
24 309” and inserting “308, 309, and 310”.

1 (2) Section 307 of the United States Inter-
2 national Broadcasting Act of 1994 (22 U.S.C. 6206)
3 is amended—

4 (A) in subsection (a) by striking “308 and
5 309” and inserting “308, 309, and 310”; and

6 (B) in subsection (c) by adding “Mideast
7 Radio and Television Network, Inc.,” after
8 “Asia”.

9 (3) Section 304(g) of the United States Inter-
10 national Broadcasting Act of 1994 (22 U.S.C.
11 6203(g)) is amended by striking “and Radio Free
12 Asia” and inserting “, Radio Free Asia, and Mideast
13 Radio and Television Network, Inc.”.

14 (4) Section 8332(b)(11) of title 5, United
15 States Code, is amended by adding “Mideast Radio
16 and Television Network, Inc.,” after “the Asia
17 Foundation;”.

18 **SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.**

19 Section 3 of the Radio Broadcasting to Cuba Act (22
20 U.S.C. 1465a) is amended—

21 (1) in subsection (c) by striking the second sen-
22 tence and inserting “The Board is authorized to si-
23 multaneously utilize other broadcasting transmission
24 facilities, and other frequencies, including the Ampli-
25 tude Modulation (AM) Band (535 kHz to 1705

1 kHz), the Frequency Modulation (FM) Band, and
2 the Shortwave (SW) Band.”;

3 (2) in subsection (c) in the third sentence by
4 striking “*Provided, That*” and all that follows before
5 the period at the end;

6 (3) in subsection (d) by striking the last sen-
7 tence;

8 (4) by amending subsection (e) to read as fol-
9 lows:

10 “(e) Any program of United States Government radio
11 broadcasts to Cuba authorized by this section shall be des-
12 ignated ‘Radio Marti program’.”; and

13 (5) in subsection (f) by striking “Voice of
14 America”.

15 **SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER**
16 **JAMMING OF BROADCASTS OF RADIO MARTI**
17 **AND TV MARTI.**

18 Not later than 30 days after the date of the enact-
19 ment of this Act, the Secretary of State shall submit to
20 the appropriate congressional committees a report pro-
21 viding the following information:

22 (1) Specific steps taken to increase the capabili-
23 ties of Radio Marti and TV Marti to ensure that
24 broadcasts overcome jamming by the Government of
25 Cuba.

1 (2) An evaluation and analysis of not less than
2 10 alternate methods to counter jamming of radio
3 and television broadcasts including the following:

4 (A) Methods used to broadcast into Iraq
5 involving a C-130.

6 (B) Methods previously used to transmit
7 into the former Soviet Union and other Soviet
8 bloc countries.

9 (C) Successful methods employed by non-
10 United States Government entities, such as
11 those used by the Falun Gong to overcome Chi-
12 nese Government jamming and those recently
13 used by a Cuban exile group to transmit tele-
14 vision broadcasts into Cuba.

15 **SEC. 504. PILOT PROGRAM FOR THE PROMOTION OF TRAV-**
16 **EL AND TOURISM IN THE UNITED STATES**
17 **THROUGH UNITED STATES INTERNATIONAL**
18 **BROADCASTING.**

19 (a) PILOT PROGRAM.—The Broadcasting Board of
20 Governors, in consultation with the Department of Com-
21 merce and other appropriate Federal, State, and local
22 agencies, shall conduct a pilot program for the promotion
23 of travel and tourism in the United States through United
24 States international broadcasting, particularly to regional

1 economies that have been affected by the decrease in tour-
2 ism following the events of September 11, 2001.

3 (b) PROGRAMMING.—The pilot program shall devote
4 regular programming to broadcasting information on lo-
5 calities of the United States with the purpose of promoting
6 travel and tourism to regional economies heavily reliant
7 on such tourism.

8 (c) REPORT TO CONGRESS.—Not later than 180 days
9 after the date of the enactment of this Act, the Broad-
10 casting Board of Governors shall submit to the appro-
11 priate congressional committees a report detailing the ac-
12 tions taken by the Board in carrying out this section.

13 **SEC. 505. RADIO FREE ASIA BROADCASTS INTO NORTH**
14 **KOREA.**

15 (a) FINDINGS.—The Congress makes the following
16 findings:

17 (1) North Korea's development of nuclear weap-
18 ons and missile delivery systems poses one of the
19 gravest security threats to the United States in the
20 world.

21 (2) The Kim Jong Il regime in North Korea
22 has one of the worst human rights records in the
23 world. On April 16, 2003, the United Nations Com-
24 mission on Human Rights passed a resolution, "ex-
25 pressing its deep concern about reports of systemic,

1 widespread and grave violations of human rights” in
2 North Korea.

3 (3) In order to ensure its survival, the Kim
4 Jong Il regime makes extensive efforts to control the
5 flow of information in North Korea.

6 (4) In 2002, a survey found that five of twelve
7 “elite” defectors from North Korea had listened to
8 Radio Free Asia.

9 (5) Radio Free Asia broadcasts only 4 hours
10 each day into North Korea.

11 (6) Many North Korean citizens lack radios ca-
12 pable of receiving Radio Free Asia broadcasts.

13 (b) SENSE OF CONGRESS.—It is the sense of the
14 Congress that the Broadcasting Board of Governors
15 should ensure that Radio Free Asia increases its broad-
16 casting with respect to North Korea to 24 hours each day.

17 (c) REPORT TO CONGRESS.—Not later than 90 days
18 after the date of the enactment of this Act, the Secretary
19 of State, after consulting with other agencies of the United
20 States Government, shall submit a report, in classified
21 form, on specific measures currently being undertaken and
22 measures necessary, including the provision of adequate
23 radios, to maximize North Korean citizen access to Radio
24 Free Asia and other foreign broadcasts to the Committee
25 on International Relations and the Permanent Select

1 Committee on Intelligence of the House of Representatives
2 and the Committee on Foreign Relations and the Select
3 Committee on Intelligence of the Senate.

4 **SEC. 506. PROHIBITION ON ELIMINATION OF INTER-**
5 **NATIONAL BROADCASTING IN EASTERN EU-**
6 **ROPE.**

7 During the 2 year period beginning on the date of
8 the enactment of this Act, the Broadcasting Board of Gov-
9 ernors may not eliminate foreign language broadcasting
10 in any of the following languages: Bulgarian, Czech, Esto-
11 nian, Hungarian, Latvian, Lithuanian, Georgian, Polish,
12 Slovene, Slovak, Romanian, Croatian, Armenian, and
13 Ukrainian.

14 **Subtitle B—Global Internet**
15 **Freedom**

16 **SEC. 521. SHORT TITLE.**

17 This subtitle may be cited as the “Global Internet
18 Freedom Act of 2003”.

19 **SEC. 522. FINDINGS.**

20 The Congress makes the following findings:

21 (1) Freedom of speech, freedom of the press,
22 and freedom of association are fundamental charac-
23 teristics of a free society. The first amendment to
24 the Constitution of the United States guarantees
25 that “Congress shall make no law . . . abridging the

1 freedom of speech, or of the press; or the right of
2 the people peaceably to assemble.” These constitu-
3 tional provisions guarantee the rights of Americans
4 to communicate and associate with one another
5 without restriction, including unfettered communica-
6 tion and association via the Internet. Article 19 of
7 the United Nation’s Universal Declaration of
8 Human Rights explicitly guarantees the freedom to
9 “receive and impart information and ideas through
10 any media and regardless of frontiers”.

11 (2) All people have the right to communicate
12 freely with others, and to have unrestricted access to
13 news and information, on the Internet.

14 (3) With nearly 10 percent of the world’s popu-
15 lation now online, and more gaining access each day,
16 the Internet stands to become the most powerful en-
17 gine for democratization and the free exchange of
18 ideas ever invented.

19 (4) The governments of Burma, Cuba, Laos,
20 North Korea, the People’s Republic of China, Saudi
21 Arabia, Syria, and Vietnam, among others, are tak-
22 ing active measures to keep their citizens from freely
23 accessing the Internet and obtaining international
24 political, religious, and economic news and informa-
25 tion.

1 (5) The Voice of America and Radio Free Asia,
2 as well as hundreds of news sources with an Internet
3 presence, are routinely being jammed by repressive
4 governments.

5 (6) Since the 1940s, the United States has de-
6 ployed anti-jamming technologies to make Voice of
7 America and other United States Government spon-
8 sored broadcasting available to people in nations
9 with governments that seek to block news and infor-
10 mation.

11 (7) The United States Government has thus far
12 commenced only modest steps to fund and deploy
13 technologies to defeat Internet censorship.

14 (8) The success of United States policy in sup-
15 port of freedom of speech, press, and association re-
16 quires continued efforts to defeat totalitarian and
17 authoritarian controls on news and information over
18 the Internet.

19 **SEC. 523. PURPOSES.**

20 The purposes of this subtitle are—

21 (1) to adopt an effective and robust global
22 Internet freedom policy;

23 (2) to establish an office within the Broad-
24 casting Board of Governors with the sole mission of

1 countering Internet jamming and blocking by uti-
2 lizing available anti-jamming technology;

3 (3) to expedite the development and deployment
4 of technology to protect Internet freedom around the
5 world; and

6 (4) to bring to bear the pressure of the free
7 world on repressive governments guilty of Internet
8 censorship and the intimidation and persecution of
9 their citizens who use the Internet.

10 **SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECH-**
11 **NOLOGIES TO DEFEAT INTERNET JAMMING**
12 **AND CENSORSHIP.**

13 (a) ESTABLISHMENT OF OFFICE OF GLOBAL INTER-
14 NET FREEDOM.—The Broadcasting Board of Governors
15 shall establish an Office of Global Internet Freedom (here-
16 inafter in this subtitle referred to as the “Office”). The
17 Office shall develop and implement a comprehensive global
18 strategy to combat state-sponsored and state-directed
19 Internet jamming and persecution of those who use the
20 Internet.

21 (b) COOPERATION OF OTHER FEDERAL DEPART-
22 MENTS AND AGENCIES.—Each department and agency of
23 the United States Government shall cooperate fully with,
24 and assist in the implementation of, the strategy developed
25 by the Office and shall make such resources and informa-

1 tion available to the Office as is necessary to the achieve-
2 ment of the purposes of this subtitle.

3 (c) COOPERATION WITH DEPARTMENT OF STATE.—

4 The Office shall assist the Secretary of State in preparing
5 portions of the country reports on human rights practices
6 that address Internet accessibility.

7 (d) REPORT TO CONGRESS.—Nine months after the
8 date of the enactment of this Act, the Broadcasting Board
9 of Governors shall submit to the Congress a report on the
10 status of foreign government interference with Internet
11 use and of efforts by the United States to counter such
12 interference. The report shall list the countries that pur-
13 sue policies of Internet censorship, blocking, and other
14 abuses; provide information concerning the government
15 agencies or quasi-governmental organizations that imple-
16 ment Internet censorship; and describe with the greatest
17 particularity practicable the technological means by which
18 such blocking and other abuses are accomplished. In the
19 discretion of the Broadcasting Board of Governors, such
20 report may be submitted in both a classified and nonclassi-
21 fied version. One year after the date of submission of such
22 report, the Office shall submit a second report.

23 (e) LIMITATION ON AUTHORITY.—Nothing in this
24 subtitle shall be interpreted to authorize any action by the
25 United States to interfere with foreign national censorship

1 in furtherance of legitimate law enforcement aims con-
2 sistent with the Universal Declaration of Human Rights.

3 **Subtitle C—Reorganization of**
4 **United States International**
5 **Broadcasting**

6 **SEC. 531. ESTABLISHMENT OF UNITED STATES INTER-**
7 **NATIONAL BROADCASTING AGENCY.**

8 (a) IN GENERAL.—Section 304 of the United States
9 International Broadcasting Act of 1994 (22 U.S.C. 6203)
10 is amended to read as follows:

11 **“SEC. 304. ESTABLISHMENT OF UNITED STATES INTER-**
12 **NATIONAL BROADCASTING AGENCY.**

13 “(a) ESTABLISHMENT.—There is established as an
14 independent agency in the executive branch the United
15 States International Broadcasting Agency (hereinafter in
16 this Act referred to as the ‘Agency’).

17 “(b) BOARD OF GOVERNORS OF THE AGENCY.—

18 “(1) HEAD OF AGENCY.—The Agency shall be
19 headed by the Board of Governors of the United
20 States International Broadcasting Agency (herein-
21 after in this Act referred to as the ‘Board of Gov-
22 ernors’).

23 “(2) AUTHORITIES AND FUNCTIONS.—The
24 Board of Goverors shall—

1 “(A) carry out the authorities and func-
2 tions of the Agency under section 305; and

3 “(B) be responsible for the exercise of all
4 authorities and powers and the discharge of all
5 duties and functions of the Agency.

6 “(3) COMPOSITION OF THE BOARD OF GOV-
7 ERNORS.—

8 “(A) The Board of Governors shall consist
9 of 9 members, as follows:

10 “(i) Eight voting members who shall
11 be appointed by the President, by and with
12 the advice and consent of the Senate.

13 “(ii) The Secretary of State who shall
14 also be a voting member.

15 “(B) The President shall appoint one
16 member (other than the Secretary of State) as
17 Chair of the Board of Governors, subject to the
18 advice and consent of the Senate.

19 “(C) Exclusive of the Secretary of State,
20 not more than 4 of the members of the Board
21 of Governors appointed by the President shall
22 be of the same political party.

23 “(4) TERM OF OFFICE.—The term of office of
24 each member of the Board of Governors shall be
25 three years, except that the Secretary of State shall

1 remain a member of the Board of Governors during
2 the Secretary's term of service. The President shall
3 appoint, by and with the advice and consent of the
4 Senate, board members to fill vacancies occurring
5 prior to the expiration of a term, in which case the
6 members so appointed shall serve for the remainder
7 of such term. Any member whose term has expired
8 may serve until a successor has been appointed and
9 qualified. When there is no Secretary of State, the
10 Acting Secretary of State shall serve as a member
11 of the board until a Secretary is appointed.

12 “(5) SELECTION OF BOARD OF GOVERNORS.—
13 Members of the Board of Governors appointed by
14 the President shall be citizens of the United States
15 who are not regular full-time employees of the
16 United States Government. Such members shall be
17 selected by the President from among Americans
18 distinguished in the fields of mass communications,
19 print, broadcast media, or foreign affairs.

20 “(6) COMPENSATION.—Members of the Board
21 of Governors, while attending meetings of the board
22 or while engaged in duties relating to such meetings
23 or in other activities of the board pursuant to this
24 section (including travel time) shall be entitled to re-
25 ceive compensation equal to the daily equivalent of

1 the compensation prescribed for level IV of the Ex-
2 ecutive Schedule under section 5315 of title 5,
3 United States Code. While away from their homes or
4 regular places of business, members of the board
5 may be allowed travel expenses, including per diem
6 in lieu of subsistence, as authorized by law for per-
7 sons in the Government service employed intermit-
8 tently. The Secretary of State shall not be entitled
9 to any compensation under this title, but may be al-
10 lowed travel expenses as provided under this sub-
11 section.

12 “(7) DECISIONS.—Decisions of the Board of
13 Governors shall be made by majority vote, a quorum
14 being present. A quorum shall consist of 5 members.

15 “(8) IMMUNITY FROM CIVIL LIABILITY.—Not-
16 withstanding any other provision of law, any and all
17 limitations on liability that apply to the members of
18 the Board of Governors also shall apply to such
19 members when acting in their capacities as members
20 of the boards of directors of RFE/RL, Incorporated
21 and Radio Free Asia.

22 “(c) DIRECTOR.—

23 “(1) APPOINTMENT.—The Board of Governors
24 shall appoint a Director of the Agency. The Director
25 shall receive basic pay at the rate payable for level

1 III of the Executive Schedule under section 5314 of
2 title 5, United States Code. The Director may be re-
3 moved through a majority vote of the Board.

4 “(2) FUNCTIONS AND DUTIES.—The Director
5 shall have the following functions and duties:

6 “(A) To exercise the authorities delegated
7 by the Board of Governors pursuant to section
8 305(b).

9 “(B) To carry out all broadcasting activi-
10 ties conducted pursuant to this title, the Radio
11 Broadcasting to Cuba Act, and the Television
12 Broadcasting to Cuba Act.

13 “(C) To examine and make recommenda-
14 tions to the Board of Governors on long-term
15 strategies for the future of international broad-
16 casting, including the use of new technologies.

17 “(D) To review engineering activities to
18 ensure that all broadcasting elements receive
19 the highest quality and cost-effective delivery
20 services.

21 “(E) To procure supplies, services, and
22 other personal property to carry out the func-
23 tions of the Agency.

24 “(F) To obligate and expend, for official
25 reception and representation expenses, such

1 amounts as may be made available through ap-
2 propriations.

3 “(G) To provide for the use of United
4 States Government transmitter capacity for
5 relay of broadcasting by grantees.

6 “(H) To procure temporary and intermit-
7 tent personal services to the same extent as is
8 authorized by section 3109 of title 5, United
9 States Code, at rates not to exceed the daily
10 equivalent of the rate provided for positions
11 classified above grade GS-15 of the General
12 Schedule under section 5108 of title 5, United
13 States Code.

14 “(I) To procure for the Agency, pursuant
15 to section 1535 of title 31, United States Code
16 goods and services from other departments or
17 agencies.

18 “(J) To the extent funds are available, to
19 lease space and acquire personal property for
20 the Agency.

21 “(d) INSPECTOR GENERAL AUTHORITIES.—

22 “(1) IN GENERAL.—The Inspector General of
23 the Department of State shall exercise the same au-
24 thorities with respect to the Agency as the Inspector
25 General exercises under the Inspector General Act of

1 1978 and section 209 of the Foreign Service Act of
2 1980 with respect to the Department of State.

3 “(2) RESPECT FOR JOURNALISTIC INTEGRITY
4 OF BROADCASTERS.—The Inspector General of the
5 Department of State and the Foreign Service shall
6 respect the journalistic integrity of all the broad-
7 casters covered by this title and may not evaluate
8 the philosophical or political perspectives reflected in
9 the content of broadcasts.”.

10 (b) RETENTION OF EXISTING BOARD MEMBERS.—
11 The members of the Broadcasting Board of Governors ap-
12 pointed by the President pursuant to section 304 of the
13 United States International Broadcasting Act of 1994 on
14 the day before the effective date of this title and holding
15 office as of that date may serve the remainder of their
16 terms of office as members of the Board of Governors es-
17 tablished under section 304(b) of the United States Inter-
18 national Broadcasting Act of 1994, as amended by sub-
19 section (a) of this section, without reappointment, or if
20 their term has expired may serve until a successor is ap-
21 pointed and qualified.

22 **SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

23 Section 305 of the United States International
24 Broadcasting Act of 1994 (22 U.S.C. 6204) is amended
25 to read as follows:

1 **“SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

2 “(a) The Agency shall have the following authorities
3 and functions:

4 “(1) To supervise all broadcasting activities
5 conducted pursuant to this title, the Radio Broad-
6 casting to Cuba Act, and the Television Broad-
7 casting to Cuba Act.

8 “(2) To review and evaluate the mission and
9 operation of, and to assess the quality, effectiveness,
10 and professional integrity of, all such activities with-
11 in the context of the broad foreign policy objectives
12 of the United States and the guiding principles and
13 doctrines of the United States, particularly freedom
14 and democracy.

15 “(3) To develop strategic goals after reviewing
16 human rights reporting and other reliable assess-
17 ments to assist in determining programming and re-
18 source allocation.

19 “(4) To ensure that United States international
20 broadcasting is conducted in accordance with the
21 standards and principles contained in section 303.

22 “(5) To review, evaluate, and determine, at
23 least annually, after consultation with the Secretary
24 of State, the addition or deletion of language serv-
25 ices.

1 “(6) To make and supervise grants for broad-
2 casting and related activities in accordance with sec-
3 tions 308 and 309.

4 “(7) To allocate funds appropriated for inter-
5 national broadcasting activities among the various
6 elements of the Agency and grantees, subject to the
7 limitations in sections 308 and 309 and subject to
8 reprogramming notification requirements in law for
9 the reallocation of funds.

10 “(8) To undertake such studies as may be nec-
11 essary to identify areas in which broadcasting activi-
12 ties under its authority could be made more efficient
13 and economical.

14 “(9) To submit to the President and the Con-
15 gress an annual report which summarizes and evalu-
16 ates activities under this title, the Radio Broad-
17 casting to Cuba Act, and the Television Broad-
18 casting to Cuba Act, placing special emphasis on the
19 assessment described in paragraph (2).

20 “(10) To make available in the annual report
21 required by paragraph (9) information on funds ex-
22 pended on administrative and managerial services by
23 the Agency and by grantees and the steps the Agen-
24 cy has taken to reduce unnecessary overhead costs
25 for each of the broadcasting services.

1 “(11) To utilize the provisions of titles III, IV,
2 V, VII, VIII, IX, and X of the United States Infor-
3 mation and Educational Exchange Act of 1948, and
4 section 6 of Reorganization Plan Number 2 of 1977,
5 as in effect on the day before the effective date of
6 title XIII of the Foreign Affairs Agencies Consolida-
7 tion Act of 1998, to the extent the Director con-
8 siders necessary in carrying out the provisions and
9 purposes of this title.

10 “(12) To utilize the authorities of any other
11 statute, reorganization plan, Executive order, regula-
12 tion, agreement, determination, or other official doc-
13 ument or proceeding that had been available to the
14 Director of the United States Information Agency,
15 the Bureau, or the Board before the effective date
16 of title XIII of the Foreign Affairs Consolidation Act
17 of 1998 for carrying out the broadcasting activities
18 covered by this title.

19 “(b) DELEGATION OF AUTHORITY.—The Board of
20 Governors may delegate to the Director of the Agency, or
21 any other officer or employee of the United States, the
22 authorities provided in this section, except those authori-
23 ties provided in paragraph (1), (2), (4), (5), (6), (7), or
24 (9) of subsection (a).

1 “(c) BROADCASTING BUDGETS.—The Director and
2 the grantees identified in sections 308 and 309 shall sub-
3 mit proposed budgets to the Board. The Board shall for-
4 ward its recommendations concerning the proposed budget
5 for the Board and broadcasting activities under this title,
6 the Radio Broadcasting to Cuba Act, and the Television
7 Broadcasting to Cuba Act to the Office of Management
8 and Budget.”.

9 **SEC. 533. ROLE OF THE SECRETARY OF STATE.**

10 Section 306 of the United States International
11 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended
12 to read as follows:

13 **“SEC. 306. ROLE OF THE SECRETARY OF STATE.**

14 “To assist the Agency in carrying out its functions,
15 the Secretary of State shall provide such information and
16 guidance on foreign policy and public diplomacy issues to
17 the Agency as the Secretary considers appropriate.”.

18 **SEC. 534. ADMINISTRATIVE PROVISIONS.**

19 The United States International Broadcasting Act of
20 1994 is amended by striking section 307 and inserting the
21 following new section:

22 **“SEC. 307. ADMINISTRATIVE PROVISIONS.**

23 “(a) OFFICERS AND EMPLOYEES.—The Board of
24 Governors may appoint and fix the compensation of such
25 officers and employees as may be necessary to carry out

1 the functions of the Agency. Except as otherwise provided
2 by law, such officers and employees shall be appointed in
3 accordance with the civil service laws and their compensa-
4 tion shall be fixed in accordance with title 5, United States
5 Code.

6 “(b) EXPERTS AND CONSULTANTS.—The Board of
7 Governors, as may be provided in appropriation Acts, may
8 obtain the services of experts and consultants in accord-
9 ance with section 3109 of title 5, United States Code, and
10 may compensate such experts and consultants at rates not
11 to exceed the daily rate prescribed for level IV of the Exec-
12 utive Schedule under section 5315 of title 5, United States
13 Code.

14 “(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

15 “(1) IN GENERAL.—Notwithstanding section
16 1342 of title 31, United States Code, the Board of
17 Governors may accept, subject to regulations issued
18 by the Office of Personnel Management, voluntary
19 services if such services—

20 “(A) are to be uncompensated; and

21 “(B) are not used to displace any em-
22 ployee.

23 “(2) TREATMENT.—Any individual who pro-
24 vides voluntary services under this section shall not
25 be considered a Federal employee for any purpose

1 other than for purposes of chapter 81 of title 5,
2 United States Code (relating to compensation for in-
3 jury) and sections 2671 through 2680 of title 28,
4 United States Code (relating to tort claims).

5 “(d) DELEGATION.—Except as otherwise provided in
6 this Act, the Board of Governors may delegate any func-
7 tion to the Director and such other officers and employees
8 of the Agency as the Board of Governors may designate,
9 and may authorize such successive redelegations of such
10 functions within the Agency as may be necessary or appro-
11 priate.

12 “(e) CONTRACTS.—

13 “(1) IN GENERAL.—Subject to the Federal
14 Property and Administrative Services Act of 1949
15 and other applicable Federal law, the Board of Gov-
16 ernors may make, enter into, and perform such con-
17 tracts, grants, leases, cooperative agreements, and
18 other similar transactions with Federal or other pub-
19 lic agencies (including State and local governments)
20 and private organizations and persons, and to make
21 such payments, by way of advance or reimburse-
22 ment, as the Board of Governors may determine
23 necessary or appropriate to carry out functions of
24 the Board of Governors or the Agency.

1 “(2) APPROPRIATION AUTHORITY REQUIRED.—

2 No authority to enter into contracts or to make pay-
3 ments under this title shall be effective except to
4 such extent or in such amounts as are provided in
5 advance under appropriation Acts.

6 “(f) REGULATIONS.—The Director may prescribe
7 such rules and regulations as the Board of Governors con-
8 siders necessary or appropriate to administer and manage
9 the functions of the Agency, in accordance with chapter
10 5 of title 5, United States Code.

11 “(g) SEAL.—The Director shall cause a seal of office
12 to be made for the Agency of such design as the Board
13 of Governors shall approve. Judicial notice shall be taken
14 of such seal.”.

15 **SEC. 535. BROADCASTING BOARD OF GOVERNORS AND**
16 **INTERNATIONAL BROADCASTING BUREAU.**

17 The Broadcasting Board of Governors and the Inter-
18 national Broadcasting Bureau are abolished.

19 **SEC. 536. TRANSITION.**

20 (a) TRANSFER OF FUNCTIONS.—Except as otherwise
21 provided in this subtitle or an amendment made by this
22 subtitle, all functions that on the day before the effective
23 date specified in section 540 are authorized to be per-
24 formed by the Broadcasting Board of Governors and the
25 International Broadcasting Bureau and any officer, em-

1 ployee, or component of such entities, under any statute,
2 reorganization plan, Executive order, or other provision of
3 law, are transferred to the Agency established under this
4 title effective on that date.

5 (b) DETERMINATION OF CERTAIN FUNCTIONS.—If
6 necessary, the Office of Management and Budget shall
7 make any determination of the functions that are trans-
8 ferred under this title.

9 (c) TRANSITION PROVISIONS.—

10 (1) EXERCISE OF AUTHORITIES.—Except as
11 otherwise provided by law, the Board of Governors
12 may, for purposes of performing a function that is
13 transferred to the Agency by this title, exercise all
14 authorities under any other provision of law that
15 were available with respect to the performance of
16 that function to the official responsible for the per-
17 formance of that function on the day before the ef-
18 fective date specified in section 540.

19 (2) AUTHORITIES TO WIND UP AFFAIRS.—

20 (A) The Director of the Office of Manage-
21 ment and Budget may take such actions as the
22 Director of the Office of Management and
23 Budget considers necessary to wind up any out-
24 standing affairs of the Broadcasting Board of
25 Governors and the International Broadcasting

1 Bureau associated with the functions that are
2 transferred pursuant to subsection (a).

3 (B) The Director of the Office of Manage-
4 ment and Budget may take such actions as the
5 Director of the Office of Management and
6 Budget considers necessary to wind up any out-
7 standing affairs of the Broadcasting Board of
8 Governors and the International Broadcasting
9 Bureau associated with the functions that are
10 transferred pursuant to subsection (a).

11 (3) TRANSFER OF ASSETS.—Any property,
12 records, unexpended balances of appropriations, allo-
13 cations, and other funds employed, used, held, avail-
14 able, or to be made available in connection with a
15 function transferred to the Agency by this Act are
16 transferred on the effective date specified in section
17 540.

18 **SEC. 537. CONFORMING AMENDMENTS.**

19 (a) UNITED STATES INTERNATIONAL BROAD-
20 CASTING ACT OF 1994.—The United States International
21 Broadcasting Act of 1994 is amended as follows:

22 (1) Section 308 (22 U.S.C. 6207) is amended—
23 (A) in subsection (a)—
24 (i) by striking “The Board” and in-
25 serting “The Agency”; and

1 (ii) in paragraph (1) by striking
2 “Broadcasting Board of Governors” and
3 inserting “Board Governors of the Inter-
4 national Broadcasting Agency”;

5 (B) in subsection (b)—

6 (i) by striking paragraph (2);

7 (ii) by striking “(1)”; and

8 (iii) by striking “Board” both places
9 it appears and inserting “Agency”;

10 (C) in subsections (c), (d), (g), (h), and (i)
11 by striking “Board” each place it appears and
12 inserting “Agency”;

13 (D) in subsection (g)(4) by striking “Inter-
14 national Broadcasting Bureau” and inserting
15 “Agency”; and

16 (E) in subsections (i) and (j) by striking
17 “and the Foreign Service” each place it ap-
18 pears.

19 (2) Section 309 (22 U.S.C. 6208) is amended—

20 (A) in subsection (c)(1) by striking
21 “Board” both places it appears and inserting
22 “Agency”;

23 (B) by striking subsection (e);

1 (C) in subsections (f) and (g) by striking
2 “Board” each place it appears and inserting
3 “Agency”; and

4 (D) in subsection (g) by striking “Chair-
5 man of the Board” and inserting “Agency”.

6 (3) By striking section 311 (22 U.S.C. 6210).

7 (4) In section 313 (22 U.S.C. 6212) by striking
8 “Board” and inserting “Agency”.

9 (5) In section 314 (22 U.S.C. 6213) by striking
10 paragraph (2).

11 (6) By striking section 315.

12 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
13 (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban
14 Liberty and Democratic Solidarity (LIBERTAD) Act of
15 1996 (22 U.S.C. 6037) is amended in subsections (a) and
16 (b) by striking “International Broadcasting Bureau” each
17 place it appears and inserting “United States Inter-
18 national Broadcasting Agency”.

19 (c) RADIO BROADCASTING TO CUBA ACT.—The
20 Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.)
21 is amended as follows:

22 (1) In section 3 (22 U.S.C. 1465a) as follows:

23 (A) In the section heading by striking
24 “BROADCASTING BOARD OF GOV-
25 ERNORS” and inserting “UNITED STATES

1 INTERNATIONAL BROADCASTING
2 AGENCY”.

3 (B) In subsection (a) by striking “the
4 ‘Board’)” and inserting “the ‘Agency)’”.

5 (C) In subsections (a), (d), and (f) by
6 striking “Broadcasting Board of Governors”
7 and inserting “United States International
8 Broadcasting Agency”.

9 (2) In section 4 (22 U.S.C. 1465b) as follows:

10 (A) In the first sentence by striking “The”
11 and all that follows through “Bureau” and in-
12 serting: “The Board of Governors of the United
13 States International Broadcasting Agency shall
14 establish within the Agency”.

15 (B) In the third sentence by striking
16 “Broadcasting Board of Governors” and insert-
17 ing “Board of Governors of the United States
18 International Broadcasting Agency”.

19 (C) In the fourth sentence by striking
20 “Board of the International Broadcasting Bu-
21 reau” and inserting “Board of Governors of the
22 United States International Broadcasting Agen-
23 cy”.

24 (3) In section 5 (22 U.S.C. 1465c) as follows:

1 (A) In subsection (b) by striking “Broad-
2 casting Board of Governors” and inserting
3 “Board of Governors of the United States
4 International Broadcasting Agency”.

5 (B) By striking “Board” each place it ap-
6 pears and inserting “Advisory Board”.

7 (4) In section 6 (22 U.S.C. 1465d) as follows:

8 (A) In subsection (a) by striking “Broad-
9 casting Board of Governors” and inserting
10 “United States International Broadcasting
11 Agency” and by striking “Board” and inserting
12 “Board of Directors of the United States Inter-
13 national Broadcasting Agency”.

14 (B) In subsection (b) by striking “Board”
15 and inserting “United States International
16 Broadcasting Agency”.

17 (5) In section 7 (22 U.S.C. 1465e) by striking
18 “Board” in subsections (b) and (d) and inserting
19 “United States International Broadcasting Agency”.

20 (6) In section 8(a) (22 U.S.C. 1465f(a)), by
21 striking “Broadcasting Board of Governors” and in-
22 serting “United States International Broadcasting
23 Agency”.

1 (d) TELEVISION BROADCASTING TO CUBA ACT.—
2 The Television Broadcasting to Cuba Act (22 U.S.C.
3 1465aa note) is amended as follows:

4 (1) Section 243(a) (22 U.S.C. 1465bb) is
5 amended by striking “Broadcasting Board of Gov-
6 ernors” and inserting “United States International
7 Broadcasting Agency”.

8 (2) Section 244 (22 U.S.C. 1465cc) is amended
9 as follows:

10 (A) In subsection (a) by amending the
11 third sentence to read as follows: “The Board
12 of Governors of the United States International
13 Broadcasting Agency shall appoint a head of
14 the Service who shall report directly to the
15 Board of Governors.”.

16 (B) In subsection (b) by striking “Board”
17 and inserting “United States International
18 Broadcasting Agency”.

19 (C) In subsection (c) by striking “The
20 Board” and inserting “The Agency” and by
21 striking “Board determines” and inserting
22 “Board of Governors of the United States
23 International Broadcasting Agency deter-
24 mines”.

1 (3) In section 246 (22 U.S.C. 1465dd) by strik-
2 ing “United States Information Agency” and insert-
3 ing “United States International Broadcasting
4 Agency” and by striking “Board” and inserting
5 “Board of Governors of the United States Inter-
6 national Broadcasting Agency”.

7 (e) UNITED STATES INFORMATION AND EDU-
8 CATIONAL EXCHANGE ACT OF 1948.—The United States
9 Information and Educational Exchange Act of 1948 (22
10 U.S.C. 1431 et seq.) is amended—

11 (1) in section 505 (22 U.S.C. 1464a), by strik-
12 ing “Broadcasting Board of Governors” each place
13 it appears and inserting “United States Inter-
14 national Broadcasting Agency”; and

15 (2) in section 506(c) (22 U.S.C. 1464b(c))—

16 (A) by striking “Broadcasting Board of
17 Governors” and inserting “United States Inter-
18 national Broadcasting Agency”; and

19 (B) by striking “Board” and inserting
20 “Agency”.

21 (f) FOREIGN SERVICE ACT OF 1980.—The Foreign
22 Service Act of 1980 (22 U.S.C. 3901 et seq.) is
23 amended—

24 (1) in section 202(a)(1) (22 U.S.C.
25 3922(a)(1)), by striking “Broadcasting Board of

1 Governors” and inserting “United States Inter-
2 national Broadcasting Agency”;

3 (2) in section 210 (22 U.S.C. 3930), by striking
4 “Broadcasting Board of Governors” and inserting
5 “United States International Broadcasting Agency”;

6 (3) in section 1003(a) (22 U.S.C. 4103(a)), by
7 striking “Broadcasting Board of Governors” and in-
8 serting “United States International Broadcasting
9 Agency”; and

10 (4) in section 1101(c) (22 U.S.C. 4131(c)), by
11 striking “Broadcasting Board of Governors,” and in-
12 serting “the United States International Broad-
13 casting Agency,”.

14 (g) STATE DEPARTMENT BASIC AUTHORITIES ACT
15 OF 1956.—The State Department Basic Authorities Act
16 of 1956 (22 U.S.C. 2651a et seq.) is amended—

17 (1) in section 23(a) (22 U.S.C. 2695(a)), by
18 striking “Broadcasting Board of Governors,” and in-
19 serting “United States International Broadcasting
20 Agency,”;

21 (2) in section 25(f) (22 U.S.C. 2697(f))—

22 (A) by striking “Broadcasting Board of
23 Governors” and inserting “United States Inter-
24 national Broadcasting Agency”; and

1 (B) by striking “the Board and the Agen-
2 cy” and inserting “their respective agencies”;
3 (3) in section 26(b) (22 U.S.C. 2698(b))—

4 (A) by striking ‘Broadcasting Board of
5 Governors,’ and inserting “United States Inter-
6 national Broadcasting Agency”; and

7 (B) by striking “the Board and the Agen-
8 cy” and inserting “their respective agencies”;
9 and

10 (4) in section 32 (22 U.S.C. 2704), by striking
11 “Broadcasting Board of Governors” and inserting
12 “United States International Broadcasting Agency”.

13 (h) TITLE 5, UNITED STATES CODE.—

14 (1) Section 5314 of title 5, United States Code,
15 is amended by adding at the end the following: “Di-
16 rector, United States International Broadcasting
17 Agency.”.

18 (2) Section 5315 of title 5, United States Code,
19 is amended by striking “Director of the Inter-
20 national Broadcasting Bureau.”.

21 **SEC. 538. REFERENCES.**

22 Except as otherwise provided in this subtitle or an
23 amendment made by this subtitle, any reference in any
24 statute, reorganization plan, Executive order, regulation,
25 agreement, determination, or other official document or

1 proceeding to the Broadcasting Board of Governors and
2 the International Broadcasting Bureau or any other offi-
3 cer or employee of the Broadcasting Board of Governors
4 or the International Broadcasting Bureau shall be deemed
5 to refer to the United States International Broadcasting
6 Agency or the Board of Governors of the United States
7 International Broadcasting Agency established under this
8 subtitle.

9 **SEC. 539. BROADCASTING STANDARDS.**

10 Section 303(a) of the United States International
11 Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is
12 amended—

13 (1) in paragraph (6) by striking “and”;

14 (2) in paragraph (8) by striking the period and
15 inserting “; and”; and

16 (3) by adding after paragraph (8) the following
17 new paragraph:

18 “(9) seek to ensure that resources are allocated
19 to broadcasts directed at people whose governments
20 deny freedom of expression or who are otherwise in
21 special need of honest and professional broadcasting,
22 commensurate with the need for such broadcasts.”.

23 **SEC. 540. EFFECTIVE DATE.**

24 Except as otherwise provided, this subtitle and the
25 amendments made by this subtitle shall take effect on the

1 last day of the 6-month period beginning on the date of
2 the enactment of this Act.

3 **TITLE VI—INTERNATIONAL**
4 **FREE MEDIA ACT OF 2003**

5 **SEC. 601. SHORT TITLE.**

6 This title may be cited as the “International Free
7 Media Act of 2003”.

8 **SEC. 602. DEFINITIONS.**

9 In this title, the term “free media” means individuals
10 or organizations engaged in the gathering and distribution
11 of news and information free of direct or indirect govern-
12 mental control.

13 **SEC. 603. FINDINGS.**

14 The Congress makes the following findings:

15 (1) Freedom of speech and freedom of the press
16 are fundamental human rights enshrined in inter-
17 national law.

18 (2) The United States has a national interest in
19 promoting these freedoms by supporting free media
20 abroad, which is essential to the development of free
21 and democratic societies consistent with our own.

22 (3) Free media is undermined, endangered, or
23 nonexistent in many repressive and transitional soci-
24 eties around the world, including in Eurasia, Africa,
25 and the Middle East.

1 (4) Free media is suppressed by foreign govern-
2 ments by a variety of means, including state censor-
3 ship, legal restriction, financial pressure, and phys-
4 ical intimidation.

5 (5) Unprofessional and unethical media that
6 violate widely accepted standards of professional
7 journalism and editorial practice compromises the
8 ability of a free media to contribute to open, fair,
9 and constructive democratic debate.

10 (6) Unprofessional and unethical media in-
11 cludes media that violate the standards set in the
12 International Covenant on Civil and Political Rights,
13 which includes article 20, section 2 of the Covenant
14 which states that “Any advocacy of national, racial,
15 or religious hatred that constitutes incitement to dis-
16 crimination, hostility, or violence shall be prohibited
17 by law.”.

18 (7) Individuals lacking access to a plurality of
19 free media are vulnerable to misinformation and
20 propaganda and are potentially more likely to adopt
21 anti-American views.

22 (8) Foreign governments have a responsibility
23 to actively and publicly discourage and rebut unpro-
24 fessional and unethical media while respecting jour-
25 nalistic integrity and editorial independence.

1 (9) Past and continuing United States Govern-
2 ment efforts to promote free media through training
3 and technical support have advanced United States
4 national interests by contributing to the promotion
5 of human rights and democracy worldwide.

6 (10) Support for free media must be an integral
7 part of United States foreign policy, including public
8 diplomacy and United States international broad-
9 casting, and should be coordinated across govern-
10 ment agencies and with international, bilateral, and
11 private donor organizations toward achieving the
12 shared goal of developing professional, ethical, diver-
13 sified, sustainable, independent, indigenous media
14 worldwide.

15 **SEC. 604. STATEMENTS OF POLICY.**

16 It shall be the policy of the United States, acting
17 through the Secretary of State, to—

18 (1) make the promotion of press freedoms and
19 free media worldwide a priority of United States for-
20 eign policy and an integral component of United
21 States public diplomacy;

22 (2) respect the journalistic integrity and edi-
23 torial independence of free media worldwide;

1 (3) use widely accepted standards for profes-
2 sional and ethical journalistic and editorial practices
3 in assessing international media; and

4 (4) discourage incitement to discrimination,
5 hostility, or violence, based on nationality, race, or
6 religion, as described in article 20, section 2, of the
7 International Covenant on Civil and Political Rights,
8 and develop a strategy to respond to it.

9 **SEC. 605. COORDINATOR FOR INTERNATIONAL FREE**
10 **MEDIA.**

11 (a) ESTABLISHMENT.—There is established within
12 the Department of State a Coordinator for International
13 Free Media (in this section referred to as the “Coordi-
14 nator”). At the discretion of the President another official
15 at the Department of State may serve as the Coordinator.

16 (b) APPOINTMENT OF COORDINATOR.—The Coordi-
17 nator shall be appointed by the President, by and with
18 the advice and consent of the Senate.

19 (c) DUTIES.—The principal duties of the Coordinator
20 shall be the promotion of international press freedoms and
21 free media by—

22 (1) coordinating United States government poli-
23 cies, programs, and projects concerning international
24 press freedoms and free media;

1 (2) in consultation with appropriate agencies of
2 the United States Government and national and
3 international organizations, monitoring and assess-
4 ing the status of free media and government con-
5 trolled sources of information, including for incite-
6 ment of national, racial, or religious hatred that con-
7 stitutes incitement to discrimination, hostility, or vi-
8 olence, as described in article 20 of the International
9 Covenant on Civil and Political Rights;

10 (3) promoting widely accepted standards of pro-
11 fessional and ethical journalism and editorial prac-
12 tices;

13 (4) discouraging media and government con-
14 trolled sources of information from advocating na-
15 tional, racial, or religious hatred that constitutes in-
16 citement to discrimination, hostility, or violence con-
17 sistent with article 20, section 2 of the International
18 Covenant on Civil and Political Rights;

19 (5) reporting foreign media that advocates na-
20 tional, racial, or religious hatred that constitutes in-
21 citement to discrimination, hostility, or violence con-
22 sistent with article 20, section 2, of the International
23 Covenant on Civil and Political Rights and making
24 available to the public and to the United States

1 Agency for International Broadcasting translations
2 of such media to the extent practicable;

3 (6) promoting the journalistic integrity and edi-
4 torial independence of free media worldwide;

5 (7) advising the President and the Secretary of
6 State regarding matters of international press free-
7 doms and free media;

8 (8) representing the United States in matters
9 and cases relevant to international press freedoms
10 and free media;

11 (9) assisting the Secretary of State in preparing
12 the portions of the Department of State country re-
13 ports on human rights that relate to international
14 press freedoms and free media and incitement to
15 acts of discrimination;

16 (10) consulting with the Broadcasting Board of
17 Governors and the United States Agency for Inter-
18 national Development for the purpose of promoting
19 free media through training of international journal-
20 ists, producers, editors, and media managers; and

21 (11) administering the International Free
22 Media Fund (established in section 607) in consulta-
23 tion with the United States Advisory Commission on
24 Public Diplomacy and International Media.

1 (d) ASSESSMENT FACTORS.—In making an assess-
2 ment of media within individual countries pursuant to sub-
3 section (c)(2), the Coordinator shall take into account—

4 (1) the number and diversity of media;

5 (2) access to and consumption of media by pop-
6 ulations;

7 (3) the extent of direct or indirect government
8 ownership, control, or censorship of media outlets;

9 (4) the financial viability and profitability of
10 free media;

11 (5) the extent to which journalists, editors, and
12 media managers adhere to widely accepted standards
13 for professional and ethical journalism;

14 (6) domestic laws addressing press freedoms;

15 (7) instances in which the media and govern-
16 ment-controlled sources of information have incited
17 discrimination, hostility, or violence consistent with
18 article 20, section 2 of the International Covenant
19 on Civil and Political Rights;

20 (8) physical threats, intimidation or inappro-
21 priate pressure by government on free media;

22 (9) the number of journalists, editors, pro-
23 ducers, and media managers receiving training from
24 programs of the Department of State, the Broad-
25 casting Board of Governors, grantees of the United

1 States Agency for International Development, or
2 other organizations qualified to provide such train-
3 ing; and

4 (10) the activity of local and international non-
5 governmental organizations promoting press free-
6 doms and free media and obstacles to their activity.

7 (e) CONSULTATION REQUIREMENT.—The Coordi-
8 nator shall consult with United States public affairs offi-
9 cers and other United States foreign mission personnel di-
10 rectly engaged in interacting with indigenous media in car-
11 rying out the duties specified in subsection (c).

12 (f) DETERMINATION.—The Coordinator shall deter-
13 mine, and annually report to the appropriate congressional
14 committees, whether there is a pattern of government-con-
15 trolled information that constitutes incitement (as de-
16 scribed in article 20 of the International Covenant on Civil
17 and Political Rights) and that endangers United States
18 citizens or nationals, impairs relations between the United
19 States and the foreign government, or constitutes incite-
20 ment to national, racial, or religious discrimination, hos-
21 tility, or violence. The Coordinator shall specify the gov-
22 ernments engaged in such practices and examples of such
23 incitement and propaganda.

24 (g) FUNDING.—The Secretary of State shall ensure
25 that the Coordinator has adequate staff and funding for

1 the conduct of investigations, the administration of the
2 International Free Media Fund, necessary travel, and oth-
3 ers activities necessary to carry out the provisions of this
4 section.

5 **SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUB-**
6 **LIC DIPLOMACY AND INTERNATIONAL**
7 **MEDIA.**

8 (a) ESTABLISHMENT.—Section 604(a)(1) of the
9 United States Information and Educational Exchange Act
10 of 1948 (22 U.S.C. 1469) is amended to read as follows:

11 “(1) There is established an advisory commis-
12 sion to be known as the United States Advisory
13 Commission on Public Diplomacy and International
14 Media.”.

15 (b) DUTIES AND RESPONSIBILITIES.—Section 604(c)
16 of the United States Information and Exchange Act of
17 1948 (22 U.S.C. 1469) is amended by adding at the end
18 the following:

19 “(5) The Commission shall—

20 “(A) advise the Coordinator for Inter-
21 national Free Media on issues relating to the
22 promotion of international press freedoms and
23 free media;

1 “(B) assist the Coordinator for Inter-
2 national Free Media in monitoring and assess-
3 ing the status of free media worldwide;

4 “(C) consult with the Coordinator on the
5 administration of the International Free Media
6 Fund; and

7 “(D) make policy recommendations to the
8 President, the Secretary of State, and Congress
9 with respect to matters involving international
10 press freedoms and free media.”.

11 (c) REFERENCES.—Except as otherwise provided in
12 this section or an amendment made by this section, any
13 reference in any statute, reorganization plan, Executive
14 order, regulation, agreement, determination, or other offi-
15 cial document or proceeding to the United States Advisory
16 Commission on Public Diplomacy or any other officer or
17 employee of the United States Advisory Commission on
18 Public Diplomacy shall be deemed to refer to the United
19 States Advisory Commission on Public Diplomacy and
20 International Media established under this section.—

21 **SEC. 607. INTERNATIONAL FREE MEDIA FUND.**

22 (a) ESTABLISHMENT.—There is established an Inter-
23 national Free Media Fund (in this section referred to as
24 the “Fund”) at the Department of State.

1 (b) PURPOSES.—The purposes of the Fund shall
2 be—

3 (1) to promote the development of free and
4 independent media worldwide which adhere to widely
5 accepted standards of professional and ethical jour-
6 nalism and editorial practice; and

7 (2) to complement current efforts by the De-
8 partment of State, the United States Agency for
9 International Development, the Broadcasting Board
10 of Governors, and other agencies of the United
11 States Government to support free and independent
12 media worldwide.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
14 tion to amounts otherwise authorized to be appropriated
15 to carry out the purposes specified in subsection (b), there
16 is authorized to be appropriated to the Fund \$15,000,000
17 for fiscal year 2004. Such amounts are authorized to re-
18 main available until expended.

19 (d) NONAPPLICABILITY OF OTHER LAWS.—Notwith-
20 standing any other provision of law, funds appropriated
21 pursuant to subsection (c) may be used for the purposes
22 of this section.

23 (e) ADMINISTRATION.—

24 (1) The Fund shall be administered by the Co-
25 ordinator in consultation with the Commission.

1 (2) Activities and assistance financed through
2 the Fund may be carried out through grants, con-
3 tracts, technical assistance, and material support.

4 (f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND
5 PROJECTS.—Amounts in the Fund may be used to carry
6 out activities and provide assistance only for organiza-
7 tions, programs, and projects consistent with the purposes
8 set forth in subsection (b).

9 (g) PROHIBITIONS.—Amounts in the Fund shall not
10 be used to carry out activities or provide assistance to or-
11 ganizations, programs, or projects which advocate na-
12 tional, racial, or religious hatred that incites discrimina-
13 tion, hostility, or violence consistent with article 20, sec-
14 tion 2 of the International Covenant on Civil and Political
15 Rights.

16 (h) ASSISTANCE CRITERIA.—In administering the
17 Fund, the Coordinator shall take into account—

18 (1) the importance of providing assistance to
19 organizations, programs, and projects based on their
20 proven or potential contribution to the development
21 of a free media environment worldwide;

22 (2) the importance of enabling free media to be-
23 come commercially viable and financially inde-
24 pendent in the long term; and

1 (3) the importance of providing media per-
2 sonnel whose organizations, programs, or projects
3 receive assistance under this section for training in
4 professional and ethical journalism, editorial prac-
5 tices, and media management by the Department of
6 State, the Broadcasting Board of Governors, United
7 States Agency for International Development grant-
8 ees, or other organizations qualified to provide such
9 training.

10 (i) ANNUAL REPORTS.—Not later than January 31,
11 of 2005 and in each subsequent year, the Coordinator
12 shall publish an annual report on the activities of the
13 Fund, which shall include a comprehensive and detailed
14 description of the operations, activities, financial condi-
15 tion, and accomplishments under this section for the pre-
16 ceding fiscal year. The reports shall also include an assess-
17 ment of whether the Fund should also provide loans and
18 guarantees as an additional means to carry out the pur-
19 poses of this title.

20 (j) CONSULTATION REQUIREMENTS.—

21 (1) The Coordinator shall consult with the
22 State Department official primarily responsible for
23 developing and implementing United States policy
24 with respect to a country prior to carrying out ac-

1 tivities or providing assistance for such country
2 through the Fund.

3 (2) Amounts in the Fund shall be used to carry
4 out activities or provide assistance on the basis of
5 consultations among all relevant United States Gov-
6 ernment agencies operating in the country and with
7 the approval of the chief of mission.

8 **SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE**
9 **BROADCASTING BOARD OF GOVERNORS.**

10 (a) IN GENERAL.—The Broadcasting Board of Gov-
11 ernors shall make support for indigenous free media an
12 integral part of its mission.

13 (b) AFFILIATES.—The Broadcasting Board of Gov-
14 ernors shall submit a report to the appropriate congres-
15 sional committees on the prospects and strategy for culti-
16 vating affiliate relationships with free media in countries
17 targeted for United States international broadcasting.

18 (c) TRAINING.—The Broadcasting Board of Gov-
19 ernors shall enhance foreign journalist training programs
20 in coordination with existing training programs adminis-
21 tered by the Department of State and the United States
22 Agency for International Development.

23 (d) AUTHORIZATION FOR APPROPRIATIONS.—In ad-
24 dition to amounts otherwise authorized to be appropriated,
25 there is authorized to be appropriated \$2,500,000 for the

1 fiscal year 2004 and \$2,500,000 for the fiscal year 2005
2 to support free media in countries in which the Broad-
3 casting Board of Governors is decreasing or discontinuing
4 United States international broadcasting activity.

5 **TITLE VII—MISCELLANEOUS**
6 **PROVISIONS**

7 **Subtitle A—Reporting**
8 **Requirements**

9 **SEC. 701. REPORTS ON BENCHMARKS FOR BOSNIA.**

10 (a) Section 7 of the 1998 Supplemental Appropria-
11 tions and Rescissions Act (Public Law 105–174, 112 Stat.
12 64) is amended—

13 (1) at the end of paragraph (1) by striking “;
14 and” and inserting a period;

15 (2) by striking “Congress” and all that follows
16 through “not later” and inserting “Congress not
17 later”; and

18 (3) by striking paragraph (2).

19 (b) Section 1203 of the Strom Thurmond National
20 Defense Authorization Act for Fiscal Year 1999 (Public
21 Law 105–261) is repealed.

22 **SEC. 702. REPORTS TO COMMITTEE ON INTERNATIONAL**
23 **RELATIONS.**

24 Notwithstanding any other provision of law, for the
25 fiscal years 2004 and 2005, any report required by law

1 or otherwise requested to be submitted by the Secretary
2 of State or the Department of State to any committee of
3 the Congress shall be submitted also to the Committee on
4 International Relations of the House of Representatives.

5 **SEC. 703. REPORTS CONCERNING THE CAPTURE AND PROS-**
6 **ECUTION OF PARAMILITARY AND OTHER**
7 **TERRORIST LEADERS IN COLOMBIA.**

8 (a) FINDINGS.—The Congress makes the following
9 findings:

10 (1) As reported in the Department of State re-
11 port Patterns of Global Terrorism 2001, the United
12 Self-Defense Forces of Colombia (also referred to as
13 “AUC” or “paramilitaries”) have been designated as
14 a foreign terrorist organization by the United States
15 primarily because of their increasing reliance on ter-
16 rorist methods, such as the use of massacres, to pur-
17 posefully displace segments of the population as re-
18 taliation for allegedly supporting the AUC’s rival or-
19 ganizations, the Revolutionary Armed Forces of Co-
20 lombia (FARC) and the National Liberation Army
21 (ELN) of Colombia. According to the report, the
22 paramilitaries also use terrorist tactics to compete
23 for narcotics-trafficking corridors and prime coca-
24 growing terrain.

1 (2) The Department of State concluded in the
2 2001 Country Report on Human Rights Practices
3 that despite increased efforts by the Government of
4 Colombia to combat and capture members of para-
5 military groups, security forces sometimes illegally
6 collaborate with paramilitaries forces and often fail
7 to take action to prevent paramilitary attacks which
8 lead to serious abuses of human rights.

9 (3) In September 2002, Amnesty International,
10 Human Rights Watch, and the Washington Office
11 on Latin America released a report which argued
12 that the Colombian Government had not made sub-
13 stantial progress toward suspending officers impli-
14 cated in human rights abuses, conducting effective
15 judicial investigations of such abuses, or breaking
16 the persistent links between some units of the Co-
17 lombian military and paramilitary groups.

18 (4) In February 2003, the United Nations High
19 Commissioner for Human Rights in Colombia re-
20 ported that some units of the Colombian Security
21 Forces continued to collude openly with illegal para-
22 military groups in operations which resulted in viola-
23 tions of human rights.

24 (5) The Consolidated Appropriations Resolu-
25 tion, 2003 (Public Law 108-7) made available not

1 less than \$5,000,000 to support a Colombian Armed
2 Forces unit which is dedicated to apprehending lead-
3 ers of Colombian paramilitary organizations.

4 (b) REPORTS TO CONGRESS.—Not later than 30 days
5 after the date of enactment of this Act, and every 180
6 days thereafter, the Secretary of State, after consulting
7 with internationally recognized human rights organiza-
8 tions pursuant to the procedures required in section
9 564(b) of the Consolidated Appropriations Resolution,
10 2003, shall submit a report, in unclassified form (with a
11 classified annex if necessary), on the specific measures
12 that the Colombian authorities are taking to apprehend
13 effectively and prosecute aggressively leaders of para-
14 military organizations, to the Committee on International
15 Relations of the House of Representatives and the Com-
16 mittee on Foreign Relations of the Senate.

17 (c) CONTENTS OF REPORTS.—Each report submitted
18 pursuant to subsection (b) shall—

19 (1) identify which Colombian Armed Forces
20 units are receiving assistance to apprehend leaders
21 of Colombian paramilitary organizations;

22 (2) describe the amount and purposes of such
23 assistance;

1 (3) describe operations by Colombian security
2 forces to apprehend and arrest leaders of Colombian
3 paramilitary organizations;

4 (4) list the number of detentions, captures, and
5 arrests of leaders of Colombian paramilitary organi-
6 zations, disaggregating the number according to
7 those detentions, captures, and arrests which were
8 carried out by Colombian security forces identified
9 under paragraph (1);

10 (5) briefly describe the status of investigations
11 and prosecutions of cases by the Colombian Attorney
12 General's office involving the arrests of leaders of
13 Colombian paramilitary organizations; and

14 (6) estimate the number of hours of use by the
15 Colombian military of helicopters provided by the
16 United States under Plan Colombia and successor
17 programs to apprehend the leaders of Colombian
18 paramilitary organizations, as well as leaders of the
19 FARC and ELN, including those individuals who
20 have United States indictments pending against
21 them.

1 **SEC. 704. REPORTS RELATING TO MAGEN DAVID ADOM SO-**
2 **CIETY.**

3 (a) FINDINGS.—Section 690(a) of the Foreign Rela-
4 tions Authorization Act, Fiscal Year 2003 (Public Law
5 107–228) is amended by adding at the end the following:

6 “(5) Since the founding of the Magen David
7 Adom in 1930, the American Red Cross has re-
8 garded it as a sister national society forging close
9 working ties between the two societies and has con-
10 sistently advocated recognition and membership of
11 the Magen David Adom in the International Red
12 Cross and Red Crescent Movement.

13 “(6) The American Red Cross and Magen
14 David Adom signed an important memorandum of
15 understanding in November 2002, outlining areas
16 for strategic collaboration, and the American Red
17 Cross will encourage other societies to establish simi-
18 lar agreements with Magen David Adom.”.

19 (b) SENSE OF CONGRESS.—Section 690(b) of such
20 Act is amended—

21 (1) in paragraph (3) after the semicolon by
22 striking “and”;

23 (2) by redesignating paragraph (4) as para-
24 graph (5); and

25 (3) by inserting after paragraph (3) the fol-
26 lowing new paragraph:

1 “(4) the High Contracting Parties to the Gene-
2 va Conventions of August 12, 1949, should adopt
3 the October 12, 2000, draft additional protocol
4 which would accord international recognition to an
5 additional distinctive emblem; and”.

6 (c) REPORT.—Section 690 of such Act is further
7 amended by adding at the end the following:

8 “(c) REPORT.—Not later than 60 days after the date
9 of the enactment of the Foreign Relations Authorization
10 Act, Fiscal Years 2004 and 2005 and annually thereafter,
11 the Secretary of State shall submit a report, on a classified
12 basis if necessary, to the appropriate congressional com-
13 mittees describing—

14 “(1) efforts by the United States to obtain full
15 membership for the Magen David Adom in the
16 International Red Cross Movement;

17 “(2) efforts by the International Committee of
18 the Red Cross to obtain full membership for the
19 Magen David Adom in the International Red Cross
20 Movement;

21 “(3) efforts of the High Contracting Parties to
22 the Geneva Convention of 1949 to adopt the October
23 12, 2000, draft additional protocol; and

24 “(4) the extent to which the Magen David
25 Adom of Israel is participating in the activities of

1 the International Red Cross and Red Crescent Move-
2 ment.”.

3 **SEC. 705. REPORT CONCERNING THE RETURN OF POR-**
4 **TRAITS OF HOLOCAUST VICTIMS TO THE**
5 **ARTIST DINA BABBITT.**

6 (a) FINDINGS.—The Congress makes the following
7 findings:

8 (1) Dina Babbitt (formerly known as Dinah
9 Gottliebova), a United States citizen, has requested
10 the return of watercolor portraits she painted while
11 suffering a one and one-half year long internment at
12 the Auschwitz death camp during World War II,
13 where she was ordered to paint portraits by the infa-
14 mous war criminal Dr. Josef Mengele.

15 (2) Congress has previously considered the
16 issue, under the Foreign Relations Authorization
17 Act, Fiscal Year 2003 (Public Law 107–228), and
18 urged the Administration to facilitate the return of
19 the paintings to Dina Babbitt.

20 (3) The Administration has not yet reported
21 any progress in furthering this goal, nor has the
22 Secretary reported on the status of any negotiations
23 held with the intent of furthering this goal.

24 (b) SENSE OF CONGRESS.—The Congress—

1 (1) continues to recognize the moral right of
2 Dina Babbitt to obtain the artwork she created, and
3 recognizes her courage in the face of the evils per-
4 petrated by the Nazi command of the Auschwitz-
5 Birkenau death camp, including the atrocities com-
6 mitted by Dr. Josef Mengele;

7 (2) urges the President of the United States to
8 make all necessary efforts to retrieve the 7 water-
9 color portraits painted by Dina Babbitt, during her
10 internment at the Auschwitz death camp; and

11 (3) urges the Secretary of State to make imme-
12 diate diplomatic efforts to facilitate the transfer of
13 the 7 original watercolors painted by Dina Babbitt
14 from the Auschwitz-Birkenau State Museum to Dina
15 Babbitt, their rightful owner.

16 (c) REPORTING REQUIREMENT.—Not later than 180
17 days after the date of the enactment of this Act, the Sec-
18 retary of State shall submit a report to the appropriate
19 congressional committees, describing all diplomatic efforts
20 the United States has taken to facilitate the return of the
21 paintings referred to in this section to Dina Babbitt.

22 **SEC. 706. REPORT TO CONGRESS ON USE OF VESTED AS-**
23 **SETS.**

24 Section 203(a) of the International Emergency Eco-
25 nomic Powers Act (50 U.S.C. 1702(a)) is amended—

1 (1) in subparagraph (C), by inserting “, subject
2 to paragraph (4),” after “such interest or property
3 shall”; and

4 (2) by adding at the end the following:

5 “(4) The authority under paragraph (1)(C) to use
6 property that has been vested or to use assets that have
7 been liquidated may not be exercised until 15 days after
8 the President has notified the Committee on International
9 Relations of the House of Representatives and the Com-
10 mittee on Foreign Relations of the Senate of the purpose
11 for which such vested property or liquidated assets will
12 be so used.”.

13 **SEC. 707. REPORT CONCERNING THE CONFLICT IN UGAN-**
14 **DA.**

15 (a) SENSE OF CONGRESS.—It is the sense of the Con-
16 gress that the United States should—

17 (1) exhaust all diplomatic means and pressures,
18 including the creation of a United States role in ne-
19 gotiating humanitarian access to hitherto inaccess-
20 sible populations which would offer an opportunity
21 to bring the warring parties together to build con-
22 fidence, to support an immediate peaceful resolution
23 to the 16-year old conflict in Northern Uganda that
24 has—

1 (A) killed an estimated 23,000 people, in-
2 cluding 12,000 civilians,

3 (B) resulted in the forced abduction, sex-
4 ual servitude, and armed recruitment of be-
5 tween 16,000 to 26,000 Ugandan children by
6 the Lord's Resistance Army, a renegade army
7 that has in the past sought refuge in southern
8 Sudan and raided villages in northern Uganda,

9 (C) displaced over 800,000 Ugandan citi-
10 zens and Sudanese refugees,

11 (D) resulted in the death and abduction of
12 humanitarian aid workers, and

13 (E) gravely inhibited the delivery of emer-
14 gency assistance and food aid to nearly 1 mil-
15 lion northern Ugandan civilians dependent on
16 such assistance for survival;

17 (2) urge rebel forces to stop the abduction of
18 children, urge all forces to stop the use of child sol-
19 diers, and seek the release of all forcibly-held chil-
20 dren;

21 (3) make available technical assistance re-
22 sources to seek, track, and stop funding for the
23 Lord's Resistance Army (LRA) from all sources and
24 condemn all governments and organizations who do
25 assist the LRA;

1 (4) monitor and support negotiations conducted
2 by an third-party institutions for an immediate
3 cease-fire between the LRA and the Ugandan Gov-
4 ernment, and to explore the possibility of facilitating
5 the creation of mechanisms for an international
6 monitoring team to enforce this cease-fire as the
7 first step in the process toward a permanent peace;

8 (5) continue supporting the Sudan Peace Proc-
9 ess and Danforth Initiative, which includes peace
10 talks, donor coordination, regional support, civilian
11 protection and monitoring, and cease-fire verification
12 and consider modeling aspects of this process in
13 northern Uganda;

14 (6) make available sufficient resources to meet
15 the immediate relief of the towns and cities sup-
16 porting large displaced populations, including food,
17 clean water, medicine, shelter, and clothing;

18 (7) make available increased resources for as-
19 sistance to released and returned abducted children
20 and child soldiers and ensure that amnesty is pro-
21 vided when appropriate;

22 (8) work with other donors and the Ugandan
23 Government to increase resources and technical sup-
24 port to the Uganda Amnesty Commission for the in-
25 creased demobilization of rebel combatants;

1 (9) examine ways in which development assist-
2 ance can help those living in protective villages in
3 northern Uganda return to and cultivate farmland;
4 and

5 (10) condition military assistance to Uganda on
6 its international compliance with sustained troop
7 withdrawals from the Democratic Republic of Congo
8 where the presence of Ugandan armies has contrib-
9 uted to the violence and instability in the region.

10 (b) REPORTS TO CONGRESS.—Not later than 180
11 days after the date of the enactment of this Act, and not
12 later than April 1 of each subsequent year, the Secretary
13 shall submit to the appropriate congressional committees
14 a report on the comprehensive actions of the United States
15 in seeking a peaceful and immediate solution to conflict
16 in northern Uganda as well as humanitarian assistance
17 efforts to the region, including efforts to advance each
18 area addressed in subsection (a).

19 **SEC. 708. REQUIREMENT FOR REPORT ON UNITED STATES**
20 **POLICY TOWARD HAITI.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The United States has a political and eco-
24 nomic interest and a humanitarian and moral re-
25 sponsibility in assisting the Government and people

1 of Haiti in resolving the country's problems and
2 challenges.

3 (2) The situation in Haiti is increasingly cause
4 for alarm and concern, and a sustained, coherent,
5 and active approach by the United States Govern-
6 ment is needed to make progress toward resolving
7 Haiti's political and economic crises.

8 (b) REQUIREMENT FOR REPORT.—Not later than 60
9 days after the date of enactment of this Act, the Sec-
10 retary, in consultation with the Secretary of the Treasury,
11 shall submit to the appropriate congressional committees
12 a report that describes United States policy toward Haiti.
13 The report shall include the following:

14 (1) A description of the activities carried out by
15 the United States Government to resolve Haiti's po-
16 litical crisis and to promote the holding of free and
17 fair elections in Haiti at the earliest possible date.

18 (2) A description of the activities that the
19 United States Government anticipates initiating to
20 resolve the political crisis and promote free and fair
21 elections in Haiti.

22 (3) An assessment of whether Resolution 822
23 issued by the Permanent Council of the Organiza-
24 tion of American States on September 4, 2002, is an
25 appropriate framework for a multilateral approach

1 to resolving the political and economic crises in
2 Haiti.

3 (4) A description of the status of efforts to re-
4 lease the approximately \$146,000,000 in loan funds
5 that have been approved by the Inter-American De-
6 velopment Bank to Haiti for the purposes of reha-
7 bilitating rural roads, reorganizing the health sector,
8 improving potable water supply and sanitation, and
9 providing basic education, a description of any ob-
10 stacles that are delaying the release of the loan
11 funds, and recommendations for overcoming such
12 obstacles, including whether any of the following
13 would facilitate the release of such funds:

14 (A) Establishing an International Mone-
15 tary Fund staff monitoring program in Haiti.

16 (B) Obtaining bridge loans or other
17 sources of funding to pay the cost of any ar-
18 rears owed by the Government of Haiti to the
19 Inter-American Development Bank.

20 (C) Providing technical assistance to the
21 Government of Haiti to permit the Government
22 to meet international financial transparency
23 and other requirements.

1 **SEC. 709. REPORT ON THE EFFECTS OF PLAN COLOMBIA**
2 **ON ECUADOR.**

3 (a) FINDINGS.—The Congress makes the following
4 findings:

5 (1) Section 695 of the Foreign Relations Au-
6 thorization Act, Fiscal Year 2003 (Public Law 107–
7 228) required the Secretary of State to submit a re-
8 port to Congress on the impact of Plan Colombia on
9 Ecuador and the other adjacent countries to Colom-
10 bia within 150 days after the date of the enactment
11 of that Act.

12 (2) The 150 day time period for the submission
13 of such report has lapsed without a report being
14 submitted to the Congress.

15 (3) There continues to be growing alarm con-
16 cerning the spillover effect of Plan Colombia on Ec-
17 uador, a frontline state, especially in the northern
18 region of Ecuador which includes the Sucumbios
19 province.

20 (b) REPORT TO CONGRESS.—Not later than 30 days
21 after the date of the enactment of this Act, the Secretary
22 of State shall submit a report to the appropriate congres-
23 sional committees which sets forth—

24 (A) a statement of policy and comprehen-
25 sive strategy for United States activities in Co-
26 lombia related to the impact of Plan Colombia

1 on Ecuador and the other adjacent countries to
2 Colombia; and

3 (B) the reasons for the failure of the De-
4 partment of State to submit the report required
5 by section 695 of Public Law 107–228 within
6 the time period mandated by law.

7 **SEC. 710. REPORT ON ACTIONS TAKEN BY PAKISTAN.**

8 For each of fiscal years 2004 and 2005, the President
9 shall prepare and transmit to the appropriate congres-
10 sional committees a report that contains a description of
11 the extent to which the Government of Pakistan—

12 (1) has closed all known terrorist training
13 camps operating in Pakistan and Pakistani-held
14 Kashmir;

15 (2) has established serious and identifiable
16 measures to prohibit the infiltration of Islamic ex-
17 tremists across the “Line of Control” (LoC) into
18 India; and

19 (3) has ceased the transfer of weapons of mass
20 destruction, including any associated technologies, to
21 any third country or terrorist organization.

22 **SEC. 711. REPORT ON DEMOCRACY IN THE WESTERN HEMI-**
23 **SPHERE.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Although 34 out of 35 countries in the
2 Western Hemisphere have held elections for civilian
3 leaders of national, regional, and local governments,
4 many of these countries have failed to successfully
5 develop independent democratic institutions, trans-
6 parent and accountable governance, and effective
7 means of guaranteeing the rule of law, which are key
8 components of a fully functioning democracy.

9 (2) The rule of law, independent democratic in-
10 stitutions, and transparent, accountable governance
11 are essential for guaranteeing human rights, espe-
12 cially civil, political, and labor rights.

13 (3) The rule of law, independent democratic in-
14 stitutions, and transparent accountable governance
15 are also necessary for promoting successful economic
16 development and reliable trading and investment
17 mechanisms.

18 (4) In part because of the lack of these three
19 factors, progress on human rights and economic de-
20 velopment has lagged or been uneven in much of the
21 Western Hemisphere, leading some to question the
22 benefits of democracy itself as a path for improving
23 the lives of individuals in the hemisphere.

24 (5) For democracy to continue in many of these
25 countries, for human rights to improve, and for re-

1 gional economic integration to be successful, the rule
2 of law, independent democratic institutions, and
3 transparent accountable governance must be
4 strengthened.

5 (6) As a strong supporter of democracy and
6 human rights and as an advocate of regional eco-
7 nomic integration, it is in the interests of the United
8 States to enhance its efforts to promote a deepening
9 of democracy in the Western Hemisphere, particu-
10 larly through strengthening the rule of law, inde-
11 pendent democratic institutions, and transparent ac-
12 countable governance.

13 (b) REPORT.—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary, in consultation
15 with the heads of other Federal departments and agencies
16 as necessary, shall prepare and submit to the appropriate
17 congressional committees a report on the state of democ-
18 racy in each country in the Western Hemisphere (other
19 than the United States and Canada). For each such coun-
20 try, the report shall provide the following:

21 (1) A description of its system of government,
22 including schedule of elections, manner of judicial
23 appointments, and responsibilities of each branch of
24 government.

25 (2) An assessment of—

1 (A) the state of the rule of law;

2 (B) the power and independence of each
3 branch of government and institutions;

4 (C) the transparency and accountability in
5 governance; and

6 (D) the effect on human rights, particu-
7 larly civil and political rights, caused by the
8 presence (or lack thereof) of any of the factors
9 in subparagraphs (A) through (C); and

10 (E) the effect on economic development
11 caused by the presence (or lack thereof) of any
12 of the factors in subparagraphs (A) through
13 (C).

14 (3) A description of efforts to strengthen the
15 rule of law, independent institutions, or transparent
16 governance in the country, whether through local ef-
17 forts or through efforts funded or implemented by
18 the United States, the Organization of American
19 States (OAS), or others.

20 **SEC. 712. REPORT CONCERNING INTERNAL AND INTRA-RE-**
21 **GIONAL CONFLICTS IN THE GREAT LAKES**
22 **REGION OF AFRICA.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

1 (1) The Great Lakes region of Central Africa
2 has a history of colonial based ethnic divisions, polit-
3 ical violence, and civil wars which have perpetuated
4 conditions conducive to chronic poverty and turmoil
5 over the past decade. The countries of the Great
6 Lakes region are heavily embroiled in the conflicts
7 within their neighbors borders. At different times,
8 the war in the Democratic Republic of Congo (DRC)
9 has involved more outside countries than any other
10 contemporary war in Africa's history, (including An-
11 gola, Rwanda, Uganda, Zimbabwe, Burundi, Sudan,
12 Chad, Namibia, and Central African Republic).

13 (2) The region is hallmarked by genocide, the
14 recruitment of child soldiers, war crimes, systematic
15 rape of women and violence directed against chil-
16 dren, corruption, and the illegal exploitation of nat-
17 ural resources on a global scale. Civil wars, conflicts
18 over natural resources, and structural violence in the
19 Great Lakes have resulted in—

20 (A) the death of approximately three mil-
21 lion people through direct and indirect causes of
22 the war in the DRC since 1998;

23 (B) the deaths of at least 800,000 people
24 during the 1994 genocide in Rwanda;

1 (C) the deaths of an estimated 300,000
2 people through direct and indirect causes of the
3 war in Burundi since 1993;

4 (D) the deaths of thousands in Uganda;

5 (E) the forced abduction, sexual servitude,
6 and armed recruitment of thousands of chil-
7 dren;

8 (F) the displacement of millions of Ugan-
9 dan, Burundian, Congolese, Rwandan, and Su-
10 danese refugees;

11 (G) the death and abduction of humani-
12 tarian aid workers throughout the region; and

13 (H) grave disruptions in the delivery of
14 emergency assistance and food aid to millions of
15 civilians in northern Uganda, eastern Congo,
16 and Burundi dependent on such assistance for
17 survival.

18 (b) SENSE OF CONGRESS.—It is the sense of the
19 Congress that the United States should—

20 (1) exhaust all diplomatic means and utilize all
21 foreign policy instruments to help peacefully resolve
22 conflicts in the Great Lakes region by supporting
23 both national and regional political, economic, and
24 social initiatives conducive to fostering African-led
25 peace, reconstruction, and political and economic in-

1 stitutional and structural transformation processes
2 in Uganda, Rwanda, Burundi, and the Democratic
3 Republic of Congo;

4 (2) urge all rebel forces to stop the abduction
5 of children, urge all armed forces to stop the use of
6 child soldiers, and seek the release of all forcibly-
7 held children;

8 (3) make available technical assistance re-
9 sources to seek, track, and stop funding for all
10 armed extremist paramilitary and militarist rebel or-
11 ganizations from all sources and condemn all govern-
12 ments and organizations who do assist such groups;

13 (4) monitor and support negotiations conducted
14 by third-party institutions for an immediate end of
15 armed actions between: The LRA and the Ugandan
16 Government; the RCD factions and MLC and the
17 government of Democratic Republic of the Congo
18 under the terms of the Lusaka Accords; the FDD
19 and the Burundian Government under the terms of
20 the Arusha Accords;

21 (5) explore the possibility of facilitating the cre-
22 ation of mechanisms for an international monitoring
23 team to enforce cease-fires as the first step in the
24 process toward a permanent peace in the region;

1 (6) continue supporting the Sudan Peace Proc-
2 ess, the Danforth Initiative, the Lusaka Accords,
3 and the Arusha Accords which includes peace talks,
4 donor coordination, regional support, civilian protec-
5 tion and monitoring, and cease-fire verification;

6 (7) make available sufficient resources to meet
7 the immediate relief needs of the towns and cities in
8 the Great Lakes region supporting large displaced
9 populations, including food, clean water, medicine,
10 shelter, and clothing;

11 ((8) make available increased resources for as-
12 sistance to released and returned abducted children
13 and child soldiers in the Great Lakes Region and en-
14 sure that amnesty is provided when appropriate;

15 (9) work with other donors and the Govern-
16 ments of Uganda, Burundi, Rwanda, and the Demo-
17 cratic Republic of Congo to increase resources and
18 technical support to both regional and national com-
19 batant demobilization entities such as the Uganda
20 Amnesty Commission in Uganda and equivalent en-
21 tities in Burundi, Rwanda, and the Democratic Re-
22 public of Congo for the increased demobilization of
23 rebel combatants;

24 (10) examine ways in which development assist-
25 ance (DA) can help those living in protective villages

1 in northern Uganda, eastern Congo, and other de-
2 militarized areas in Rwanda and Burundi to return
3 to and cultivate farmland;

4 (11) condition military assistance to any nation
5 which acts to destabilize the DRC by violating inter-
6 national agreements regarding sustained troop with-
7 drawals and respect for the territorial integrity of
8 the DRC; and

9 (12) direct the Secretary of State to appoint a
10 special envoy to the Great Lakes region to oversee
11 cross-cutting security and economic policies in the
12 region.

13 (c) REPORTS TO CONGRESS.—Not later than 180
14 days after the date of the enactment of this Act, and not
15 later than April 1 of each subsequent year, the Secretary
16 should submit to the appropriate congressional committees
17 a report on the comprehensive actions taken by the United
18 States in promoting peaceful and immediate solutions to
19 the internal and intra-regional conflicts in the Great
20 Lakes region, including taking steps to bring an end to
21 the illegal exploitation and international trade of natural
22 resources from the Democratic Republic of Congo; sup-
23 porting bilateral and multilateral peace keeping initiatives;
24 the promotion of regional economic integration; the pro-
25 motion of broad based democratic political processes based

1 on the rule of law; the promotion of women and other pre-
2 viously disadvantaged communities as equal political and
3 economic stakeholders in societies; and humanitarian as-
4 sistance efforts in the region, including efforts to advance
5 each area addressed in subsection (a).

6 **Subtitle B—Other Matters**

7 **SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR,** 8 **JUSTICE, AND REHABILITATION.**

9 The Congress—

10 (1) recalls that the United Nations Inter-
11 national Commission of Inquiry concluded in Janu-
12 ary 2000 that “the Indonesian Army was responsible
13 for the intimidation, terror, killings and other acts
14 of violence” during East Timor’s vote for independ-
15 ence in 1999;

16 (2) reiterates that justice for crimes against hu-
17 manity and war crimes committed in East Timor
18 during the vote for independence in 1999 is crucial
19 for peace, reconciliation, and the ongoing nation-
20 building process in East Timor and Indonesia;

21 (3) finds that the ad hoc Human Rights Court
22 on East Timor established by the Indonesian Gov-
23 ernment in 2001 has inadequately brought to justice
24 the perpetrators of these crimes as eleven of four-
25 teen defendants have been acquitted as a result of

1 poor indictments and the absence of an adequate
2 witness protection program, and four of the five sen-
3 tences imposed have been less than the minimum al-
4 lowed under the Indonesian Human Rights Law;

5 (4) supports the work of the Joint United Na-
6 tions-East Timor Serious Crimes Unit (SCU), which
7 filed indictments against high-ranking Indonesian
8 officers who were allegedly involved in the crimes,
9 including Gen. Wiranto, Maj. Gen. Kiki Syahnakri,
10 Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam
11 Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat
12 Sudrajat and former Governor Abilio Soares, and ex-
13 presses its strong disappointment that the Indo-
14 nesian Government has stated its intention to ignore
15 the indictments;

16 (5) calls on the State Department and the
17 United States Mission to the United Nations to push
18 for a comprehensive United Nations review of the
19 Indonesian ad hoc Human Rights Court on East
20 Timor, including a review of the conduct of trials,
21 the indictment strategy by the prosecutors and its
22 adherence to the international standards, and urges
23 the State Department to consider alternative mecha-
24 nisms of justice for East Timor, including the estab-
25 lishment of an ad hoc international tribunal; and

1 (6) urges the Indonesian Government to fully
2 cooperate with the joint United Nations-East Timor
3 Serious Crimes Unit (SCU) and encourages the
4 United States to urge the Indonesian Government to
5 fully cooperate with the SCU.

6 **SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN**
7 **RIGHTS AND JUSTICE IN INDONESIA.**

8 The Congress—

9 (1) notes with grave concern that members of
10 the Indonesian security forces, particularly the Army
11 Special Forces (Kopassus) and the Police Mobile
12 Brigade (Brimob), continue to commit many serious
13 human rights violations, including extrajudicial
14 killings, torture, rape, and arbitrary detention, par-
15 ticularly in areas of conflict such as Aceh, Papua,
16 the Moluccas, and Central Sulawesi;

17 (2) notes with grave concern that the Govern-
18 ment of Indonesia largely fails to hold soldiers and
19 police accountable for extrajudicial killings and other
20 serious human rights abuses, both past and present;

21 (3) condemns the intimidation and harassment
22 of human rights and civil society organizations and
23 activists by members of Indonesian security forces
24 and by military-backed militia groups, particularly in
25 Aceh and Papua;

1 (4) notes with concern the Indonesian military's
2 resistance to civilian control and oversight, its lack
3 of budgetary transparency, and its continuing em-
4 phasis on internal security within Indonesia;

5 (5) urges the Indonesian government and mili-
6 tary to provide full, active, and unfettered coopera-
7 tion with the investigation of the Federal Bureau of
8 Investigation of the United States Department of
9 Justice into the August 31, 2002 attack near
10 Timika, Papua, which killed three people (including
11 two Americans, Rick Spier and Ted Burgon), and
12 injured 12 others, and which appears likely to have
13 been perpetrated at least in part by members of the
14 Indonesian military;

15 (6) commends the December 2002 signing of
16 the Framework Agreement on Cessation of Hos-
17 tilities in Aceh, but condemns the recent outbreaks
18 of violence and militia activity that appear calculated
19 to subvert that cease-fire agreement;

20 (7) notes with grave concern the continued de-
21 tention of Muhammad Nazar, and the fact that
22 those responsible for the murders of other prominent
23 members of civil society in Aceh, such as Jafar
24 Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku
25 Safwan Idris, Nashiruddin Daud, and Zaini

1 Sulaiman, still have not been apprehended, pros-
2 ecuted, or punished;

3 (8) commends the “Zone of Peace” initiative in
4 Papua, which has brought together civic, religious,
5 governmental, and police representatives to discuss
6 productive means of avoiding conflict, but expresses
7 concern at the refusal of the Indonesian military to
8 participate in that effort; and

9 (9) encourages the Government of Indonesia to
10 expedite the reunification of separated East Timor-
11 ese children with their families, and to hold legally
12 accountable those individuals and organizations re-
13 sponsible for taking those children and for obstruct-
14 ing reunification efforts.

15 **SEC. 723. AMENDMENT TO THE INTERNATIONAL RELI-**
16 **GIOUS FREEDOM ACT OF 1998.**

17 Section 207(a) of the International Religious Free-
18 dom Act of 1998 (22 U.S.C. 6435(a)) is amended by in-
19 serting “and for each subsequent fiscal year” after
20 “2003”.

21 **SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN**
22 **RIGHTS IN CENTRAL ASIA.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

1 (1) The Central Asian nations of Kazakhstan,
2 Kyrgyzstan, Tajikistan, Turkmenistan, and
3 Uzbekistan are providing the United States with as-
4 sistance in the war in Afghanistan, from military
5 basing and overflight rights to the facilitation of hu-
6 manitarian relief.

7 (2) In turn, the United States victory over the
8 Taliban in Afghanistan provides important benefits
9 to the Central Asian nations by removing a regime
10 that threatened their security and by significantly
11 weakening the Islamic Movement of Uzbekistan, a
12 terrorist organization that had previously staged
13 armed raids from Afghanistan into the region.

14 (3) The United States has consistently urged
15 the nations of Central Asia to open their political
16 systems and economies and to respect human rights,
17 both before and since the attacks of September 11,
18 2001.

19 (4) Kazakhstan, Kyrgyzstan, Tajikistan,
20 Turkmenistan, and Uzbekistan are members of the
21 United Nations and the Organization for Security
22 and Cooperation in Europe (OSCE), both of which
23 confer a range of obligations with respect to human
24 rights on their members.

1 (5) While the United States recognizes marked
2 differences among the social structures and commit-
3 ments to democratic and economic reform of the
4 Central Asian nations, the United States notes nev-
5 ertheless, according to the State Department Coun-
6 try Reports on Human Rights Practices, that all five
7 governments of such nations, to differing degrees,
8 restrict freedom of speech and association, restrict
9 or ban the activities of human rights organizations
10 and other nongovernmental organizations, harass or
11 prohibit independent media, imprison political oppo-
12 nents, practice arbitrary detention and arrest, and
13 engage in torture and extrajudicial executions.

14 (6) By continuing to suppress human rights
15 and to deny citizens peaceful, democratic means of
16 expressing their convictions, the nations of Central
17 Asia risk fueling popular support for violent and ex-
18 tremist movements, thus undermining the goals of
19 the war on terrorism.

20 (7) President George W. Bush has made the
21 defense of human dignity, the rule of law, limits on
22 the power of the state, respect for women and pri-
23 vate property, free speech, equal justice, religious
24 tolerance strategic goals of United States foreign
25 policy in the Islamic world, arguing that “a truly

1 strong nation will permit legal avenues of dissent for
2 all groups that pursue their aspirations without vio-
3 lence”.

4 (8) Congress has expressed its desire to see
5 deeper reform in Central Asia in past resolutions
6 and other legislation, most recently conditioning as-
7 sistance to Uzbekistan and Kazakhstan on their
8 progress in meeting commitments to the United
9 States on human rights and democracy.

10 (b) SENSE OF CONGRESS.—It is the sense of the
11 Congress that—

12 (1) the governments of Kazakhstan,
13 Kyrgyzstan, Tajikistan, Turkmenistan, and
14 Uzbekistan should accelerate democratic reforms
15 and fulfill their human rights obligations, including,
16 where appropriate, by—

17 (A) releasing from prison anyone jailed for
18 peaceful political activism or the nonviolent ex-
19 pression of their political or religious beliefs;

20 (B) fully investigating any credible allega-
21 tions of torture and prosecuting those respon-
22 sible;

23 (C) permitting the free and unfettered
24 functioning of independent media outlets, inde-
25 pendent political parties, and nongovernmental

1 organizations, including by easing registration
2 processes;

3 (D) permitting the free exercise of reli-
4 gious beliefs and ceasing the persecution of
5 members of religious groups and denominations
6 that do not engage in violence or political
7 change through violence;

8 (E) holding free, competitive, and fair elec-
9 tions; and

10 (F) making publicly available documenta-
11 tion of their revenues and punishing those en-
12 gaged in official corruption;

13 (2) the President, the Secretary of State, and
14 the Secretary of Defense should—

15 (A) continue to raise at the highest levels
16 with the governments of the nations of Central
17 Asia specific cases of political and religious per-
18 secution, and to urge greater respect for human
19 rights and democratic freedoms at every diplo-
20 matic opportunity;

21 (B) take progress in meeting the goals
22 specified in paragraph (1) into account when
23 determining the scope and nature of United
24 States diplomatic and military relations and as-
25 sistance with each of such governments;

1 (C) ensure that the provisions of foreign
2 operations appropriations Acts are fully imple-
3 mented to ensure that no United States assist-
4 ance benefits security forces in Central Asia
5 that are implicated in violations of human
6 rights;

7 (D) press the Government of
8 Turkmenistan to implement the helpful rec-
9 ommendations contained in the 2003 resolution
10 on Turkmenistan of the United Nations Com-
11 mission on Human Rights and the so-called
12 “Moscow Mechanism” Report of the Organiza-
13 tion for Security and Cooperation in Europe
14 (OSCE), respect the right of all prisoners to
15 due process and a fair trial and release demo-
16 cratic activists and their family members from
17 prison;

18 (E) urge the Government of Russia not to
19 extradite to Turkmenistan members of the po-
20 litical opposition of Turkmenistan;

21 (F) work with the Government of
22 Kazakhstan to create a political climate free of
23 intimidation and harassment, including releas-
24 ing political prisoners and permitting the return
25 of political exiles, and to reduce official corrup-

1 tion, including by urging the Government of
2 Kazakhstan to cooperate with the ongoing
3 United States Department of Justice investiga-
4 tion;

5 (G) support through United States assist-
6 ance programs individuals, nongovernmental or-
7 ganizations, and media outlets in Central Asia
8 working to build more open societies, to support
9 the victims of human rights abuses, and to ex-
10 pose official corruption; and

11 (H) press the Government of Uzbekistan
12 to implement fully the recommendations made
13 to the Government of Uzbekistan by the United
14 Nations' Special Rapporteur on Torture; and

15 (3) increased levels of United States assistance
16 to the governments of the nations of Central Asia
17 made possible by their cooperation in the war in Af-
18 ghanistan can be sustained only if there is substan-
19 tial and continuing progress toward meeting the
20 goals specified in paragraph (1).

1 **SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF**
2 **APPROPRIATIONS FOR FISCAL YEAR 2003**
3 **FOR CENTER FOR CULTURAL AND TECH-**
4 **NICAL INTERCHANGE BETWEEN EAST AND**
5 **WEST.**

6 Section 112(3) of the Foreign Relations Authoriza-
7 tion Act, Fiscal Year 2003 (116 Stat. 1358; Public Law
8 107–228) is amended by striking “\$15,000,000” and in-
9 serting “\$18,000,000”.

10 **SEC. 726. UNDER SECRETARY OF COMMERCE FOR INDUS-**
11 **TRY AND SECURITY.**

12 (a) UNDER SECRETARY.—There shall be in the De-
13 partment of Commerce an Under Secretary of Commerce
14 for Industry and Security who shall serve as the head of
15 the Bureau of Industry and Security and perform such
16 duties as the Secretary of Commerce shall prescribe. The
17 Under Secretary of Commerce for Industry and Security
18 shall be appointed by the President by and with the advice
19 and consent of the Senate.

20 (b) INCUMBENT.—The individual serving on the date
21 of the enactment of this Act as the Under Secretary of
22 Commerce for Export Administration shall serve as the
23 Under Secretary of Commerce for Industry and Security
24 until such time as a successor is appointed under sub-
25 section (a).

1 (c) COMPENSATION.—Section 5314 of title 5, United
2 States Code, is amended by striking “Under Secretary of
3 Commerce for Export Administration” and inserting
4 “Under Secretary of Commerce for Industry and Secu-
5 rity”.

6 (d) CONFORMING AMENDMENTS.—Section 15(a) of
7 the Export Administration Act of 1979 (50 U.S.C. App.
8 2414(a)) is amended—

9 (1) by striking the first sentence; and

10 (2) in the second sentence, by striking “in car-
11 rying out such functions” and inserting “of Com-
12 merce for Industry and Security in carrying out the
13 functions of the Under Secretary”.

14 **SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS**
15 **DESTRUCTION.**

16 (a) FINDINGS.—The Congress makes the following
17 findings:

18 (1) The proliferation of weapons of mass de-
19 struction presents a direct threat to the stability, se-
20 curity, and safety of nations around the globe.

21 (2) Combatting the spread of such weapons is
22 a responsibility borne by all nations.

23 (3) United States efforts to stop the further
24 spread of these weapons can be further enhanced by

1 cooperative efforts between the United States and
2 the European Union.

3 (4) There are many different components in
4 this effort that require a comprehensive approach,
5 immediate attention, and vigorous action, including
6 the “10+10 over 10 Initiative” agreed to by the
7 United States and many members of the European
8 Union.

9 (5) Stopping the spread of weapons of mass de-
10 struction is made more difficult when states willingly
11 participate in, or contribute to, their development or
12 their sale or transfer to other nations.

13 (6) Stopping the spread of weapons of mass de-
14 struction is made more difficult when private compa-
15 nies willingly participate in, or contribute to, their
16 development or their sale or transfer to other na-
17 tions.

18 (7) United States security and safety is under-
19 mined when companies engage in such commerce.

20 (b) SENSE OF CONGRESS.—The Congress call on the
21 European Union to—

22 (1) develop an aggressive and robust regulatory
23 system designed to—

24 (A) investigate allegations of companies
25 contributing to the development of weapons of

1 mass destruction or their sale or transfer to
2 other nations;

3 (B) isolate and condemn companies found
4 to participate in, or contribute to, the develop-
5 ment of such weapons or their sale or transfer
6 to other nations; and

7 (C) develop a punitive response designed to
8 punish such companies, thereby preventing fur-
9 ther actions on their part and discouraging
10 other companies from engaging in such actions;

11 (2) condemn, by name, states known to be con-
12 tributing to the development or spread of weapons of
13 mass destruction; and

14 (3) develop appropriate punitive measures de-
15 signed to discourage further actions.

16 **SEC. 728. INTERNATIONAL AGRICULTURAL BIO-**
17 **TECHNOLOGY INFORMATION PROGRAM.**

18 (a) IN GENERAL.—The Department of State shall
19 provide to other countries, as appropriate, the scientific
20 evidence on the benefits, safety, and potential uses of agri-
21 cultural biotechnology.

22 (b) SPECIFIC OBJECTIVES.—The Secretary of State
23 shall—

24 (1) chair an interagency task force comprised of
25 representatives of the Department of Commerce, the

1 Department of Agriculture, and the United States
2 Agency for International Development to develop
3 and disseminate accurate written scientific informa-
4 tion on the potential benefits of agricultural bio-
5 technology for human and animal nutrition, the en-
6 vironment, food and feed production, agricultural
7 sustainability, and bioenergy development;

8 (2) coordinate the development and dissemina-
9 tion of scientifically-based facts regarding, the safety
10 and regulation of biotechnology-derived food and
11 feed products;

12 (3) instruct the United States Agency for Inter-
13 national Development (USAID) to develop a pro-
14 gram to demonstrate the potential benefits of agri-
15 cultural biotechnology to develop products that can
16 be grown under local soil and climate conditions and
17 better meet the health and nutritional needs of local
18 populations in the developing world; and

19 (4) ensure that personnel undertaking these ac-
20 tivities are knowledgeable of, and disseminate infor-
21 mation on, the United States regulatory safeguards
22 that assure food and environmental safety.

23 **SEC. 729. REFUGEE RESETTLEMENT BURDENSARING.**

24 It is the sense of the Congress that—

1 (1) the Secretary of State should actively en-
2 courage the international community to accept refu-
3 gees for resettlement on a more equitable basis;

4 (2) the Secretary of State should raise the issue
5 of refugee resettlement burdensharing at the United
6 Nations and other multilateral and bilateral meet-
7 ings;

8 (3) developed countries should be encouraged to
9 increase the percentage of the world's refugees ac-
10 cepted for resettlement; and

11 (4) the Secretary of State should encourage de-
12 veloping stable countries in regions with refugee
13 flows to accept for resettlement as many of their
14 neighbors as possible.

15 **SEC. 730. SENSE OF CONGRESS ON CLIMATE CHANGE.**

16 (a) FINDINGS.—The Congress makes the following
17 findings:

18 (1) Evidence continues to build that increases
19 in atmospheric concentrations of manmade green-
20 house gases are contributing to global climate
21 change.

22 (2) The Intergovernmental Panel on Climate
23 Change (in this section referred to as the “IPCC”)
24 has concluded that “there is new and stronger evi-
25 dence that most of the warming observed over the

1 last 50 years is attributable to human activities”
2 and that the Earth’s average temperature can be ex-
3 pected to rise between 2.5 and 10.4 degrees Fahr-
4 enheit in this century.

5 (3) The National Academy of Sciences con-
6 firmed the findings of the IPCC, stating that “the
7 IPCC’s conclusion that most of the observed warm-
8 ing of the last 50 years is likely to have been due
9 to the increase of greenhouse gas concentrations ac-
10 curately reflects the current thinking of the scientific
11 community on this issue” and that “there is general
12 agreement that the observed warming is real and
13 particularly strong within the past twenty years”.
14 The National Academy of Sciences also noted that
15 “because there is considerable uncertainty in current
16 understanding of how the climate system varies nat-
17 urally and reacts to emissions of greenhouse gases
18 and aerosols, current estimates of the magnitude of
19 future warming should be regarded as tentative and
20 subject to future adjustments upward or down-
21 ward”.

22 (4) The IPCC has stated that in the last 40
23 years, the global average sea level has risen, ocean
24 heat content has increased, and snow cover and ice
25 extent have decreased, which threatens to inundate

1 low-lying island nations and coastal regions through-
2 out the world.

3 (5) In October 2000, a report of the United
4 States interagency Global Change Research Program
5 found that global climate change may harm the
6 United States by altering crop yields, accelerating
7 sea-level rise, and increasing the spread of tropical
8 infectious diseases.

9 (6) In 1992, the United States ratified the
10 United Nations Framework Convention on Climate
11 Change (in this section referred to as the
12 “UNFCCC”), the ultimate objective of which is the
13 “stabilization of greenhouse gas concentrations in
14 the atmosphere at a level that would prevent dan-
15 gerous anthropogenic interference with the climate
16 system. Such a level should be achieved within a
17 time-frame sufficient to allow ecosystems to adapt
18 naturally to climate change, to ensure that food pro-
19 duction is not threatened and to enable economic de-
20 velopment to proceed in a sustainable manner”.

21 (7) The UNFCCC stated in part that the Par-
22 ties to the UNFCCC are to implement policies “with
23 the aim of returning . . . to their 1990 levels an-
24 thropogenic emissions of carbon dioxide and other
25 greenhouse gases” under the principle that “policies

1 and measures . . . should be appropriate for the
2 specific conditions of each Party and should be inte-
3 grated with national development programmes, tak-
4 ing into account that economic development is essen-
5 tial for adopting measures to address climate
6 change”.

7 (8) There is a shared international responsi-
8 bility to address this problem, as industrial nations
9 are the largest historic and current emitters of
10 greenhouse gases and developing nations’ emissions
11 will significantly increase in the future.

12 (9) The UNFCCC further stated that “devel-
13 oped country Parties should take the lead in com-
14 bating climate change and the adverse effects there-
15 of”, as these nations are the largest historic and
16 current emitters of greenhouse gases. The UNFCCC
17 also stated that “steps required to understand and
18 address climate change will be environmentally, so-
19 cially and economically most effective if they are
20 based on relevant scientific, technical and economic
21 considerations and continually re-evaluated in the
22 light of new findings in these areas”.

23 (10) Any future, binding treaty on climate
24 change must not result in serious harm to the
25 United States economy, and should not cause the

1 United States to abandon its shared responsibility to
2 help reduce the risks of climate change and its im-
3 pacts. Future international efforts in this regard
4 should focus on recognizing the equitable respon-
5 sibilities for addressing climate change by all na-
6 tions, including commitments by the largest devel-
7 oping country emitters in a future, binding climate
8 change treaty.

9 (11) While the United States has elected
10 against becoming a party to the Kyoto Protocol to
11 the UNFCCC at this time, it is the position of the
12 United States that it will not interfere with the
13 plans of any nation that chooses to ratify and imple-
14 ment the Kyoto Protocol.

15 (12) United States businesses need to know
16 how governments worldwide will address the risks of
17 climate change. By committing themselves to reduc-
18 ing their greenhouse gas emissions, leading compa-
19 nies in the United States and worldwide are doing
20 more than addressing the problem of climate
21 change—they are also improving their competitive
22 positioning. More than 30 major corporations, most
23 with operations in the United States, have specifi-
24 cally committed themselves to reducing their green-
25 house gas emissions.

1 (13) The United States benefits from invest-
2 ments in the research, development, and deployment
3 of a range of clean energy and efficiency tech-
4 nologies that can reduce the risks of climate change
5 and its impacts and that can make the United
6 States economy more productive, bolster energy se-
7 curity, create jobs, and protect the environment.

8 (b) SENSE OF CONGRESS.—It is the sense of the
9 Congress that the United States should demonstrate inter-
10 national leadership and responsibility in reducing the
11 health, environmental, and economic risks posed by cli-
12 mate change by—

13 (1) taking responsible action to ensure signifi-
14 cant and meaningful reductions in emissions of
15 greenhouse gases from all sectors;

16 (2) creating flexible international and domestic
17 mechanisms, including joint implementation, tech-
18 nology deployment, tradable credits for emissions re-
19 ductions, and carbon sequestration projects that will
20 reduce, avoid, and sequester greenhouse gas emis-
21 sions;

22 (3) participating in international negotiations,
23 including putting forth a proposal to the Conference
24 of the Parties to the UNFCCC, with the objective of
25 securing United States participation in a future

1 binding treaty on climate change in a manner that
2 protects the economic interests of the United States,
3 is consistent with the environmental objectives of the
4 UNFCCC, and recognizes the shared international
5 responsibility for addressing climate change, includ-
6 ing developing country participation; and

7 (4) establishing a bipartisan observer group of
8 Members of the House of Representatives, des-
9 ignated by the chairman and ranking member of the
10 Committee on International Relations of the House
11 of Representatives, to monitor any international ne-
12 gotiations on climate change.

13 **SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION**
14 **ISSUES BETWEEN THE UNITED STATES AND**
15 **MEXICO.**

16 (a) FINDINGS.—The Congress finds as follows:

17 (1) During President Bush's first meeting with
18 President Fox in Guanajuato, Mexico, the Presi-
19 dents stated in the Joint Communique of February
20 16, 2001 that "we are instructing our Governments
21 to engage, at the earliest opportunity, in formal high
22 level negotiations aimed at achieving short and long-
23 term agreements that will allow us to constructively
24 address migration and labor issues between our two
25 countries."

1 (2) During President Fox's official visit to
2 Washington, D.C., the Joint Statement of Sep-
3 tember 6, 2001, summarized the meeting as follows:
4 "The Presidents reviewed the progress made by our
5 joint working group on migration chaired by Secre-
6 taries Powell, CastaZeda, and Creel and Attorney
7 General Ashcroft and noted this represented the
8 most fruitful and frank dialogue we have ever had
9 on a subject so important to both nations. They
10 praised implementation of the border safety initia-
11 tive, and recognized that migration-related issues are
12 deeply felt by our publics and vital to our prosperity,
13 well-being, and the kind of societies we want to
14 build. They renewed their commitment to forging
15 new and realistic approaches to migration to ensure
16 it is safe, orderly, legal and dignified, and agreed on
17 the framework within which this ongoing effort is
18 based. This includes: matching willing workers with
19 willing employers; serving the social and economic
20 needs of both countries; respecting the human dig-
21 nity of all migrants, regardless of their status; recog-
22 nizing the contribution migrants make to enriching
23 both societies; shared responsibility for ensuring mi-
24 gration takes place through safe and legal channels.
25 Both stressed their commitment to continue our dis-

1 cussions, instructing the high-level working group to
2 reach mutually satisfactory results on border safety,
3 a temporary worker program and the status of un-
4 documented Mexicans in the United States. They re-
5 quested that the working group provide them pro-
6 posals with respect to these issues as soon as pos-
7 sible. The Presidents recognized that this is an ex-
8 traordinarily challenging area of public policy, and
9 that it is critical to address the issue in a timely
10 manner and with appropriate thoroughness and
11 depth.”.

12 (3) On September 7, 2001, during President
13 Fox’s historic State Visit to Washington, the United
14 States and Mexico issued a joint statement instruct-
15 ing our cabinet-level working group to provide us
16 with specific proposals to forge a new and realistic
17 framework that will ensure a safe, legal, orderly, and
18 dignified migration flow between our countries. We
19 have today agreed that our Cabinet level migration
20 group should continue the work we charged it with
21 in Guanajuato and Washington.

22 (4) When the Presidents met in Monterrey,
23 Mexico, the Presidents stated in a Joint Statement
24 on March 22, 2002, as follows: “Slightly more than
25 one year ago, in Guanajuato, we talked about migra-

1 tion as one of the major ties that join our societies.
2 We launched then the frankest and most productive
3 dialogue our countries have ever had on this impor-
4 tant and challenging subject. Those talks have con-
5 tinued over the past year, and have yielded a clearer
6 assessment of the scope and nature of this issue.
7 This bond between our nations can render countless
8 benefits to our respective economies and families.

9 (5) Over the past year, important progress has
10 been made to enhance migrant safety and particu-
11 larly in saving lives by discouraging and reducing il-
12 legal crossings in dangerous terrain.

13 (6) At the conclusion of the Mexico-United
14 States Binational Commission (BNC) meeting in
15 Mexico City in November 2002, Secretary of State
16 Powell's press conference was summarized by the
17 State Department as follows: The BNC's migration
18 working group "affirmed our strong commitment to
19 advancing our bilateral migration agenda," he
20 stressed, adding that "there should be no doubt in
21 anyone's mind that this is a priority for President
22 Bush, just as it is a priority for [Mexican] President
23 [Vicente] Fox."

24 (7) Secretary Powell said no schedule had been
25 established for a migration accord, but he confirmed

1 that the United States and Mexico want to come up
2 with a series of migration initiatives over the course
3 of the next six months to a year.

4 (8) Mexico's state-run oil monopoly, Petróleos
5 Mexicanos (PEMEX), is inefficient, plagued by cor-
6 ruption, and in need of substantial reform and pri-
7 vate investment in order to provide sufficient petro-
8 leum products to Mexico and the United States to
9 fuel future economic growth which can help curb il-
10 legal migration into the United States.

11 (b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that—

13 (1) that the United States and Mexico should
14 as soon as is practicable commence negotiations in
15 an attempt to reach a migration accord that is as
16 comprehensive as possible and which addresses the
17 key issues of concern for both nations;

18 (2) that any accord on migration issues between
19 the United States and Mexico should also include an
20 accord to open Petróleos Mexicanos (PEMEX) to in-
21 vestment by U.S. oil companies and specific steps to
22 reform PEMEX's operations to make them more
23 transparent and efficient; and

24 (3) that as part of any migration agreement be-
25 tween the United States and Mexico, the issues of

1 the extradition of violent criminals and law enforce-
2 ment cooperation between the two nations be ad-
3 dressed.

4 **SEC. 732. SENSE OF CONGRESS CONCERNING UNITED**
5 **STATES ASSISTANCE TO PALESTINIAN REFU-**
6 **GEES.**

7 The Congress—

8 (1) recognizes the importance of United States
9 humanitarian assistance to Palestinian refugees as
10 an essential component to the peace process in the
11 Middle East;

12 (2) acknowledges the hardships endured by
13 many innocent Palestinian refugees in the West
14 Bank and Gaza Strip and in other neighboring coun-
15 tries;

16 (3) notes that the United Nations High Com-
17 mission for Refugees (UNHCR) is the international
18 body that seeks to find “lasting solutions” to the
19 plight of refugees throughout the world, with the
20 sole exception of the Palestinians, for whose exclu-
21 sive benefit a special agency, the United Nations Re-
22 lief and Works Agency (UNRWA), was established
23 in 1950 and which makes no effort to permanently
24 resettle Palestinian refugees, even those who reside
25 under the jurisdiction of the Palestinian Authority,

1 in order to ensure the perpetuation of the problem
2 of Palestinian refugees;

3 (4) recognizes that the United States has been
4 the world's leading donor to UNRWA, having pro-
5 vided over \$2,500,000,000 to UNRWA since 1950,
6 including the provision of \$110,000,000, in fiscal
7 year 2002, and that such organization has provided
8 important humanitarian assistance to the Pales-
9 tinian people;

10 (5) notes that the United States contribution to
11 UNRWA is nearly 10 times that of the entire Arab
12 world, and calls on Arab states to assume a greater
13 share of the burden for financing UNWRA;

14 (6) expresses its outrage over credible reports
15 that UNRWA facilities have been used for terrorist
16 training and bases for terrorist operations, with little
17 attempt by the UNRWA to stop or oppose such at-
18 tacks or alert relevant law enforcement authorities
19 about such terrorist activities;

20 (7) expresses deep concern over the textbooks
21 and educational materials used in the UNRWA edu-
22 cational system that promote anti-Semitism, denial
23 of the existence and the right to exist of the state
24 of Israel, and exacerbate stereotypes and tensions
25 between the Palestinians and Israelis;

1 (8) strongly urges the Secretary General of the
2 United Nations to immediately take steps to com-
3 prehensively reform the UNRWA so that it actively
4 works to oppose terrorist attacks and actively works
5 to promote reconciliation and understanding between
6 the Israelis and Palestinians;

7 (9) strongly urges UNRWA to meet the re-
8 quirements, in letter and spirit, of section 301(c) of
9 the Foreign Assistance Act of 1961, including by
10 comprehensively ensuring that no UNRWA assist-
11 ance is rendered to anyone who has been involved
12 with terrorism at any time and that all UNRWA
13 beneficiaries be informed at the earliest possible
14 time, and at regular intervals thereafter, that any-
15 one involved with terrorism thereafter will be ineli-
16 gible for UNRWA benefits;

17 (10) strongly urges the Secretary of State to
18 make UNRWA reforms a priority at the United Na-
19 tions by actively campaigning within the United Na-
20 tions to support such reforms, including comprehen-
21 sive and independently verifiable audits of UNRWA
22 activities and educational reform that would remove
23 from the curriculum all textbooks and educational
24 materials that promote hatred of Jews and Israel
25 and denial of Israel's right to exist and replace them

1 with teaching materials that promote Israeli-Pales-
2 tinian reconciliation and mutual understanding; and
3 (11) notes the General Accounting Office
4 (GAO) audit required by section 580 of the FY
5 2003 Foreign Operations Appropriations Act (Public
6 Law 108–7), and strongly encourages the GAO to
7 conduct, as part of this audit, an investigation and
8 inspection of all recent United States assistance to
9 UNRWA to ensure that taxpayer funds are being
10 spent effectively and are not directly or indirectly
11 supporting terrorism, anti-Semitic or anti-Jewish
12 teachings, or the glorification or incitement of vio-
13 lence.

14 **SEC. 733. UNITED STATES POLICY ON WORLD BANK GROUP**
15 **LOANS TO IRAN.**

16 (a) UNITED STATES POLICY.—The Secretary of
17 State (or a designee), in consultation with the Secretary
18 of the Treasury, shall communicate directly with the gov-
19 ernments of countries represented on the decision-making
20 boards and councils of the international financial institu-
21 tions of the World Bank Group and consistently convey
22 the strong opposition of the United States Government to
23 any further activity in Iran by the international financial
24 institutions of the World Bank Group.

1 (b) REPORTS.—Not later than 90 days after the date
2 of the enactment of this Act and one year thereafter, the
3 Secretary of State shall submit a report on the efforts of
4 the Secretary to carry out subsection (a) to the chairman
5 and ranking minority member of the Committee on Inter-
6 national Relations of the House of Representatives and
7 the Committee on Foreign Relations of the Senate.

8 (c) WORLD BANK GROUP DEFINED.—As used in this
9 section, the term “World Bank Group” means the Inter-
10 national Bank for Reconstruction and Development, the
11 International Development Association, the International
12 Financial Corporation, and the Multilateral Investment
13 Guaranty Agency.

14 **SEC. 734. SENSE OF CONGRESS RELATING TO SOVIET NU-**
15 **CLEAR TESTS IN KAZAKHSTAN.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) In 1991, immediately after achieving inde-
18 pendence, Kazakhstan closed and sealed the world’s
19 second largest nuclear test site in Semipalatinsk
20 which had been inherited from the former Soviet
21 Union and at which more than 500 nuclear tests
22 had been conducted from 1949 to 1991.

23 (2) The cumulative power of explosions from
24 those tests, conducted above ground, on the ground,
25 and underground is believed to be equal to the power

1 of 20,000 explosions of the type of bomb dropped on
2 Hiroshima, Japan, in 1945.

3 (3) More than 1,500,000 people in Kazakhstan
4 suffered because of decades of Soviet nuclear weap-
5 ons testing in the region.

6 (4) A horrifying array of disease will continue
7 to destroy the lives of hundreds of thousands and
8 their descendants for many generations to come as
9 a result of these tests.

10 (5) Since its independence, Kazakhstan has
11 constructed a stable and peaceful state, voluntarily
12 disarmed the world's fourth largest nuclear arsenal,
13 joined the Strategic Arms Reduction Treaty
14 (START), and became an example of responsible
15 nonproliferation of such weapons.

16 (6) Kazakhstan is also doing its best to help
17 those who were exposed to the horrific nuclear ex-
18 periments of the 20th century but it faces daunting
19 challenges.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the Secretary of State should work to establish
22 a joint working group with the Government of Kazakhstan
23 to assist in assessing the environmental damage and
24 health effects caused by Soviet nuclear testing in
25 Semipalatinsk.

1 **SEC. 735. SENSE OF CONGRESS RELATING TO VIOLENCE**
2 **AGAINST WOMEN.**

3 The Congress—

4 (1) recalls that Article 4 of the United Nations
5 Declaration on the Elimination of Violence Against
6 Women (20 December 1993) outlines that states
7 should condemn violence against women and should
8 not invoke any custom, tradition, or religious consid-
9 eration to avoid their obligations with respect to its
10 elimination;

11 (2) recalls that Chapter 4, Section 125, of the
12 Beijing Declaration and Platform for Action, Fourth
13 World Conference on Women (15 September 1995)
14 states that governments condemn violence against
15 women and refrain from invoking any custom, tradi-
16 tion, or religious consideration to avoid their obliga-
17 tions with respect to its elimination as set out in the
18 Declaration on the Elimination of Violence against
19 Women;

20 (3) recalls that the United States has supported
21 both the United Nations Declaration on the Elimini-
22 nation of Violence and the Beijing Declaration and
23 Platform for Action; and

24 (4) reinforces the position of the United States
25 that the United States condemns violence against
26 women and refrains from invoking any custom, tra-

1 dition, or religious consideration to avoid this na-
2 tion's obligations with respect to its elimination as
3 set out in the Declaration on the Elimination of Vio-
4 lence against Women.

5 **DIVISION B—DEFENSE TRADE**
6 **AND SECURITY ASSISTANCE**
7 **REFORM ACT OF 2003**
8 **TITLE X—GENERAL PROVISIONS**

9 **SEC. 1001. SHORT TITLE.**

10 This division may be cited as the “Defense Trade and
11 Security Assistance Reform Act of 2003”.

12 **SEC. 1002. DEFINITIONS.**

13 Except as otherwise provided, in this division:

14 (1) DEFENSE ARTICLES.—The term “defense
15 articles” has the meaning given the term in section
16 47(7)(A) of the Arms Export Control Act (as
17 amended by section 1107(d) of this Act).

18 (2) DEFENSE SERVICES.—The term “defense
19 services” has the meaning given the term in section
20 47(7)(B) of the Arms Export Control Act (as
21 amended by section 1107(d) of this Act).

22 (3) DUAL USE.—The term “dual use” means,
23 with respect to goods or technology, those goods or
24 technology that are specifically designed or devel-

1 oped for civil purposes but which also may be used
2 or deployed in a military mode.

3 (4) EXPORT ADMINISTRATION REGULATIONS.—
4 The term “Export Administration Regulations”
5 means those regulations contained in sections 730–
6 774 of title 15, Code of Federal Regulations (or suc-
7 cessor regulations).

8 (5) GOOD.—The term “good” has the meaning
9 given the term in section 16(3) of the Export Ad-
10 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

11 (6) INTERNATIONAL TRAFFIC IN ARMS REGULA-
12 TIONS.—The term “International Traffic in Arms
13 Regulations” means those regulations contained in
14 sections 120–130 of title 22, Code of Federal Regu-
15 lations (or successor regulations).

16 (7) MISSILE TECHNOLOGY CONTROL REGIME;
17 MTCR.—The term “Missile Technology Control Re-
18 gime” or “MTCR” has the meaning given the term
19 in section 11B(c)(2) of the Export Administration
20 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

21 (8) MISSILE TECHNOLOGY CONTROL REGIME
22 ANNEX; MTCR ANNEX.—The term “Missile Tech-
23 nology Control Regime Annex” or “MTCR Annex”
24 has the meaning given the term in section 11B(c)(4)

1 of the Export Administration Act of 1979 (50
2 U.S.C. App. 2401b(c)(4)).

3 (9) OPERATION IRAQI FREEDOM.—The term
4 “Operation Iraqi Freedom” means operations of
5 United States Armed Forces, the armed forces of
6 the United Kingdom, and the armed forces of other
7 coalition member countries initiated on or about
8 March 19, 2003—

9 (A) to disarm Iraq of its weapons of mass
10 destruction;

11 (B) to enforce United Nations Security
12 Council Resolution 1441 (November 8, 2002)
13 and other relevant Security Council resolutions
14 with respect to Iraq; and

15 (C) to liberate the people of Iraq from the
16 regime of Saddam Hussein.

17 (10) TECHNOLOGY.—The term “technology”
18 has the meaning given the term in section 16(4) of
19 the Export Administration Act of 1979 (50 U.S.C.
20 App. 2415(4)).

21 **SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.**

22 Except as otherwise specifically provided, whenever in
23 this division an amendment is expressed in terms of an
24 amendment to a section or other provision, the reference
25 shall be considered to be made to that section or other

1 provision of the Arms Export Control Act (22 U.S.C. 2751
2 et seq.).

3 **TITLE XI—TERRORIST-RELATED**
4 **PROHIBITIONS AND EN-**
5 **FORCEMENT MEASURES**

6 **SEC. 1101. ELIGIBILITY PROVISIONS.**

7 (a) INELIGIBILITY FOR TERRORIST RELATED
8 TRANSACTIONS.—Section 3(c)(1) (22 U.S.C. 2753(c)(1))
9 is amended—

10 (1) in each of subparagraphs (A) and (B), by
11 striking “or any predecessor Act,” and inserting “,
12 any predecessor Act, or licensed or approved under
13 section 38 of this Act, to carry out a transaction
14 with a country, the government of which the Sec-
15 retary of State has determined is a state sponsor of
16 international terrorism for purposes of section
17 6(j)(1) of the Export Administration Act of 1979
18 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such
19 defense articles or defense services”; and

20 (2) by adding at the end the following:

21 “(C) In this section, the term ‘transaction’ means the
22 taking of any action, directly or indirectly, by a foreign
23 country that would be a transaction prohibited by section
24 40 of this Act with respect to the United States Govern-
25 ment and United States persons.”.

1 (b) REPORTING REQUIREMENT.—Section 3(e) (22
2 U.S.C. 2753(e)) is amended by inserting after “the For-
3 eign Assistance Act of 1961,” the following: “regardless
4 of whether the article or service has been sold or otherwise
5 furnished by the United States Government or licensed
6 under section 38 of this Act,”.

7 **SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN**
8 **THE UNITED STATES.**

9 Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended
10 in the first sentence by inserting after “import and the
11 export of defense articles and defense services” the fol-
12 lowing: “, or the transfer of such articles, other than fire-
13 arms (or ammunition, components, parts, accessories, or
14 attachments for firearms), and services within the United
15 States to foreign persons,”.

16 **SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH**
17 **UNITED STATES LAW ENFORCEMENT AGEN-**
18 **CIES.**

19 (a) SENSE OF CONGRESS.—In view of the historic
20 difficulties in the enforcement of the Arms Export Control
21 Act (22 U.S.C. 2751 et seq.) associated with violations
22 involving exports of defense articles and defense services
23 that have been exempted by regulation from the licensing
24 requirements of section 38 of such Act, it is the sense of
25 Congress that the establishment of new exemptions by reg-

1 ulation should only be undertaken after careful coordina-
2 tion with the appropriate United States law enforcement
3 agencies.

4 (b) AMENDMENT.—Section 38(b)(2) (22 U.S.C.
5 2778(b)(2)) is amended by adding at the end the following
6 new sentences: “In promulgating regulations under sub-
7 section (a)(1) in accordance with the preceding sentence,
8 any provision in such regulations that permits the export
9 of defense articles or defense services without a license
10 shall include a determination by the Attorney General, in
11 consultation with the Secretary of Homeland Security and
12 the Director of the Federal Bureau of Investigation, that
13 the compilation and maintenance of sufficient documenta-
14 tion relating to the export without a license of the articles
15 or services is ensured, notwithstanding the absence of a
16 license, to facilitate law enforcement efforts to detect, pre-
17 vent, and prosecute criminal violations of any provision of
18 this section, section 39, or section 40 of this Act, including
19 the efforts on the part of countries and factions engaged
20 in international terrorism to illicitly acquire defense arti-
21 cles and defense services. No defense article or defense
22 service designated by the President under subsection
23 (a)(1) may be exported without a license pursuant to a
24 regulation under subsection (a)(1) that is promulgated on
25 or after January 1, 2003, until 30 days after the date

1 on which the President provides notice of the proposed
2 regulation to the Committee on International Relations of
3 the House of Representatives and to the Committee on
4 Foreign Relations of the Senate in accordance with the
5 procedures applicable to reprogramming notifications
6 under section 634A(a) of the Foreign Assistance Act of
7 1961, including a description of the criteria that would
8 be used to permit the export of the article or service and
9 any measures to facilitate law enforcement efforts associ-
10 ated with the Attorney General's determination required
11 by the preceding sentence.”.

12 **SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLA-**
13 **TION OF CERTAIN PROVISIONS OF LAW.**

14 Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is
15 amended—

16 (1) in clause (iii)—

17 (A) by striking “or section 2339A” and in-
18 serting “, section 2339A”; and

19 (B) by inserting at the end before the
20 comma the following: “, or section 2339C of
21 such title (relating to financing terrorism)”;

22 (2) in clause (x), by striking “or” at the end;

23 (3) in clause (xi), by striking the semicolon at
24 the end and inserting a comma; and

25 (4) by adding at the end the following:

1 “(xii) subclause (I) or (II) of section
2 1956(c)(7)(B)(v) of title 18, United States
3 Code;

4 “(xiii) section 329 of the Uniting and
5 Strengthening America by Providing Appropriate
6 Tools Required to Intercept and Obstruct
7 Terrorism (USA PATRIOT ACT) Act of 2001;

8 “(xiv) section 5332 of title 31, United
9 States Code;

10 “(xv) section 1960 of title 18, United
11 States Code;

12 “(xvi) section 175(b), 175b, 1993, 2339 of
13 title 18, United States Code;

14 “(xvii) section 2332a, 2332b, or 2332f of
15 title 18, United States Code; or

16 “(xviii) section 175 of title 18, United
17 States Code;”.

18 **SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES**

19 **ARMS EMBARGOES.**

20 (a) FINDINGS; SENSE OF CONGRESS.—

21 (1) FINDINGS.—Congress finds that—

22 (A) governments to which the United
23 States Government prohibits by law or policy
24 the transfer of implements of war, including
25 material, components, parts, and other defense

1 articles and defense services (as defined in
2 paragraphs (3) and (4) of section 47 of the
3 Arms Export Control Act, respectively) continue
4 to seek to evade these embargoes through in-
5 creasingly sophisticated illegal acquisitions via
6 the “international gray arms market” and by
7 seeking to exploit weaknesses in the export con-
8 trol system of the United States and its friends
9 and allies; and

10 (B) the strict and comprehensive applica-
11 tion of arms embargoes referred to in subpara-
12 graph (A) including those embargoes estab-
13 lished by the United Nations Security Council
14 is of fundamental importance to the security
15 and foreign policy interests of the United
16 States.

17 (2) SENSE OF CONGRESS.—It is the sense of
18 Congress that the United States Government should
19 continue to provide a leadership role internationally
20 in ensuring the effectiveness of arms embargoes re-
21 ferred to in paragraph (1).

22 (b) SCOPE OF EMBARGOES.—Section 38 (22 U.S.C.
23 2778) is amended by adding at the end the following:

24 “(k) Whenever the United States maintains an arms
25 embargo pursuant to United States law, or through public

1 notice by the President or Secretary of State pursuant to
2 the authorities of this Act, no defense article or defense
3 service subject to sections 120–130 of title 22, Code of
4 Federal Regulations (commonly known as the ‘Inter-
5 national Traffic in Arms Regulations’) and no dual use
6 good or technology subject to sections 730–774 of title 15,
7 Code of Federal Regulations (commonly known as the ‘Ex-
8 port Administration Regulations’) shall be sold or trans-
9 ferred to the military, police, or intelligence services of the
10 embargoed government, including any associated govern-
11 mental agency, subdivision, entity, or other person acting
12 on their behalf, unless, at a minimum and without preju-
13 dice to any additional requirements established in United
14 States law or regulation, the Secretary of State and the
15 Secretary of Defense have concurred in the sale or trans-
16 fer through issuance of a license.”.

17 (c) ESTABLISHMENT OF CONTROLS.—The Secretary
18 shall consult with the Secretary of Commerce to ensure
19 the establishment of appropriate foreign policy and na-
20 tional security controls and license requirements under the
21 Export Administration Regulations in order to ensure the
22 effective implementation of section 38(k) of the Arms Ex-
23 port Control Act, as added by subsection (b).

24 (d) REPORT.—Not later than 120 days after the date
25 of the enactment of this Act, the Secretary shall submit

1 to the appropriate congressional committees a report that
2 describes the actions taken to implement the requirements
3 of subsection (c).

4 **SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING**
5 **ACTS OF INTERNATIONAL TERRORISM.**

6 Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended
7 by striking “any item enumerated on the United States
8 Munitions List” and inserting “a defense article or de-
9 fense service (as defined in subparagraph (A) or (B) of
10 section 47(7), respectively), an item enumerated on the
11 United States Munitions List (as designated by the Presi-
12 dent pursuant to section 38(a)), or any other activity for
13 which a license or other approval is required pursuant to
14 the regulations promulgated under subsection (a)(1)”.

15 **SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS**
16 **AND IMPORTS.**

17 (a) REVISION OF STANDARD FOR VIOLATION;
18 AMOUNT OF PENALTIES.—Section 38(c) (22 U.S.C.
19 2778(c)) is amended—

20 (1) by striking “willfully” each place it appears
21 and inserting “knowingly”;

22 (2) by striking “this section or section 39” and
23 inserting “this section, section 39, or section 40”;
24 and

1 (3) by striking “\$1,000,000” and inserting
2 “\$1,000,000 (in the case of a violation of this sec-
3 tion or section 39), \$2,000,000 (in the case of a vio-
4 lation involving any country covered by section 40),
5 and \$1,500,000 (in the case of a violation involving
6 any country other than a country covered by section
7 40 that is subject by United States law or policy to
8 an arms embargo)”.

9 (b) CIVIL PENALTIES.—Section 38(e) (22 U.S.C.
10 2778(e)) is amended in the third sentence by striking
11 “under this section may not exceed \$500,000” and insert-
12 ing “or any other activities subject to control under this
13 section, section 39, or section 40, may not exceed
14 \$500,000 for each violation of section 38 or section 39,
15 \$1,000,000 for each violation involving any country cov-
16 ered by section 40, and \$750,000 for each violation relat-
17 ing to an arms embargo (other than a violation covered
18 by section 40)”.

19 (c) REVISION OF STANDARD FOR VIOLATION; CRIMI-
20 NAL PENALTY; CIVIL PENALTIES; ENFORCEMENT.—Sec-
21 tion 40 (22 U.S.C. 2780) is amended—

22 (1) in subsection (j)—

23 (A) by striking “willfully” and inserting
24 “knowingly”; and

1 (B) by striking “\$1,000,000” and insert-
2 ing “\$2,000,000”; and
3 (2) in subsection (k), by striking “\$500,000”
4 and inserting “\$1,000,000”.

5 (d) DEFINITIONS.—Section 47(7) (22 U.S.C.
6 2794(7)) is amended to read as follows:

7 “(7)(A) ‘defense articles’, with respect to ex-
8 ports subject to sections 38, 39, and 40 of this Act,
9 has the meaning given such term in sections 120–
10 130 of title 22, Code of Federal Regulations (com-
11 monly known as the ‘International Traffic in Arms
12 Regulations’), as such regulations were in effect on
13 January 1, 2003, and includes such additional arti-
14 cles as may be designated by the President under
15 section 38(a)(1); and

16 “(B) ‘defense services’, with respect to exports
17 subject to sections 38, 39, and 40 of this Act, has
18 the meaning given such term in sections 120–130 of
19 title 22, Code of Federal Regulations (commonly
20 known as the ‘International Traffic in Arms Regula-
21 tions’), as such regulations were in effect on Janu-
22 ary 1, 2003, and includes—

23 “(i) the provision of assistance (including
24 aiding, abetting, or training) to foreign persons;
25 and

1 “(ii) such other activities as may be des-
2 ignated by the President pursuant to section
3 38(a)(1).”.

4 **SEC. 1108. HIGH RISK EXPORTS AND END USE VERIFICA-**
5 **TION.**

6 Section 38(g)(7) (22 U.S.C. 2778) is amended by
7 adding at the end the following new sentence: “Such
8 standards shall be coordinated biennially with the Sec-
9 retary of Homeland Security, the Attorney General, the
10 Director of the Federal Bureau of Investigation, the Di-
11 rector of Central Intelligence, and the heads of other Fed-
12 eral departments or agencies, as appropriate.”.

13 **SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL**
14 **BUREAU OF INVESTIGATION.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that, in view of the responsibilities of the Federal
17 Bureau of Investigation for protecting the United States
18 against terrorist attack, foreign intelligence operations,
19 high technology crimes, and transnational criminal organi-
20 zations and enterprises, the Federal Bureau of Investiga-
21 tion should be provided authority to investigate and en-
22 force violations of the Arms Export Control Act without
23 adversely affecting the existing authority of the Bureau
24 of Customs and Border Protection of the Department of
25 Homeland Security.

1 (b) COPY OF REGISTRATION.—Section 38(b)(1) (22
2 U.S.C. 2778(b)) is amended—

3 (1) by redesignating the second subparagraph
4 (B) as subparagraph (C); and
5 (2) in subparagraph (B)—

6 (A) in the first sentence, by inserting “and
7 the Director of the Federal Bureau of Inves-
8 tigation” after “Secretary of Treasury”; and

9 (B) in the second sentence, by inserting
10 “and the Director” after “The Secretary”.

11 (c) JURISDICTION OF FBI AND BUREAU OF CUS-
12 TOMS.—Section 38(e) (22 U.S.C. 2778(e)) is amended in
13 the first sentence by adding at the end before the period
14 the following: “, and except further, that the Federal Bu-
15 reau of Investigation and the Bureau of Customs and Bor-
16 der Protection of the Department of Homeland Security
17 shall have concurrent jurisdiction for criminal violations
18 and enforcement of this Act”.

19 (d) MECHANISMS TO IDENTIFY PERSONS IN VIOLA-
20 TION OF CERTAIN PROVISIONS OF LAW.—Section 38(g)
21 (22 U.S.C. 2778(g)) is amended in the second sentence
22 of paragraph (3), in paragraph (4), and in paragraph (8)
23 by inserting “and the Director of the Federal Bureau of
24 Investigation” after “Secretary of Treasury”.

1 **SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTI-**
2 **CLES, DEFENSE SERVICES, AND DUAL USE**
3 **GOODS AND TECHNOLOGY DISCOVERED IN**
4 **IRAQ.**

5 (a) REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, and on
8 annual basis thereafter as appropriate, the President
9 shall prepare and transmit to the congressional com-
10 mittees specified in paragraph (2) a written report
11 on foreign-supplied defense articles, defense services,
12 and dual use goods and technology supplied to Iraq
13 since the adoption of United Nations Security Coun-
14 cil Resolution 687 (April 3, 1991) and discovered in
15 Iraq since the inception of Operation Iraqi Freedom
16 or identified as having been in Iraq at any time
17 since April 3, 1991, and not destroyed or otherwise
18 accounted for by the United Nations Special Com-
19 mission (UNSCOM) or the United Nations Moni-
20 toring, Verification and Inspection Commission
21 (UNMOVIC).

22 (2) CONGRESSIONAL COMMITTEES SPECI-
23 FIED.—The congressional committees referred to in
24 paragraph (1) are—

1 (A) the Committee on International Rela-
2 tions and the Committee on Armed Services of
3 the House of Representatives; and

4 (B) the Committee on Foreign Relations
5 and the Committee on Armed Services of the
6 Senate.

7 (b) CONTENTS.—The report required by subsection
8 (a) shall include information on defense articles, defense
9 services, and dual use goods and technology discovered in
10 accordance with such subsection, including a description
11 of such articles, services, and goods and technology by cat-
12 egory or type, quantity, country of origin (if known), man-
13 ufacturer (if known), date of acquisition (if known), and,
14 in the case of dual use goods and technology, the use or
15 intended use or deployment (if known) and whether the
16 goods or technology are covered by any arms control
17 agreement or nonproliferation arrangement to which the
18 United States is a party.

19 (c) FORM.—The report required by subsection (a)
20 shall be transmitted in unclassified form to the maximum
21 extent practicable, but may contain a classified annex if
22 necessary.

1 **TITLE XII—STRENGTHENING**
2 **MUNITIONS EXPORT CONTROLS**

3 **SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY**

4 **CONTROL REGIME ANNEX.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that all proposals to export or transfer to foreign
7 persons by other means, whether in the United States or
8 abroad, and any other activities subject to regulation
9 under section 38, 39, or 40 of the Arms Export Control
10 Act, relating to items on the Missile Technology Control
11 Regime Annex, should be accorded stringent control and
12 scrutiny consistent with the purposes of section 71 of the
13 Arms Export Control Act (22 U.S.C. 2797).

14 (b) CONTROL OF ITEMS ON MTCR ANNEX.—The
15 Secretary, in coordination with the Secretary of Com-
16 merce, the Attorney General, and the Secretary of De-
17 fense, shall ensure that all items on the MTCR Annex are
18 subject to stringent control by the United States Govern-
19 ment pursuant to the International Traffic in Arms Regu-
20 lations and the Export Administration Regulations.

21 (c) CERTIFICATION.—Not later than March 1 of each
22 year, the Secretary, in coordination with the Secretary of
23 Commerce, the Attorney General and the Secretary of De-
24 fense, shall prepare and submit to the appropriate con-
25 gressional committees a report that contains—

1 (1) a certification that the requirement of sub-
2 section (b) has been met for the prior year, or if the
3 requirement has not been met, the reasons therefor;
4 and

5 (2) a description of the updated coverage, if
6 any, of the regulations referred to in subsection (b)
7 with respect to all items on the MTCR Annex and
8 an explanation of any areas of overlap or omissions,
9 if any, among the regulations.

10 **SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CER-**
11 **TAIN DEFENSE ARTICLES AND SERVICES.**

12 Section 36(c) (22 U.S.C. 2776(c)) is amended—

13 (1) in the first sentence of paragraph (1), by
14 inserting after “\$1,000,000 or more” the following:
15 “, or, notwithstanding section 27(g) of this Act, for
16 any special comprehensive authorization under sec-
17 tions 120–130 of title 22, Code of Federal Regula-
18 tions (commonly known as the ‘International Traffic
19 in Arms Regulations’) for the export of defense arti-
20 cles or defense services in an aggregate amount of
21 \$100,000,000 or more”;

22 (2) in paragraph (2)—

23 (A) by striking subparagraph (B); and

24 (B) by redesignating subparagraph (C) as
25 subparagraph (B); and

1 (3) in the matter preceding subparagraph (A)
2 of paragraph (5), by inserting “or paragraph (2)”
3 after “paragraph (1)”.

4 **SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL**
5 **ASSISTANCE AND MANUFACTURING LICENS-**
6 **ING AGREEMENTS WITH NATO MEMBER**
7 **COUNTRIES, AUSTRALIA, NEW ZEALAND, AND**
8 **JAPAN.**

9 Section 36(d) (22 U.S.C. 2776(d)) is amended by
10 adding at the end the following:

11 “(6) In the case of a commercial technical assistance
12 or manufacturing license agreement with a member coun-
13 try of the North Atlantic Treaty Organization (NATO)
14 or Australia, Japan, or New Zealand that does not author-
15 ize a new sales territory that includes any country other
16 than such countries, the requirements contained in para-
17 graphs (2) and (4) shall apply only if—

18 “(A) the agreement involves—

19 “(i) major defense equipment in the
20 amount of \$7,000,000 or more; or

21 “(ii) significant military equipment in the
22 amount of \$25,000,000 or more; and

23 “(B) the amount referred to in clause (i) or (ii)
24 of subparagraph (A), as the case may be, includes
25 the estimated value of all defense articles and de-

1 fense services to be manufactured or transferred
2 throughout the duration of the approval period.”.

3 **SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH**
4 **AUSTRALIA AND THE UNITED KINGDOM.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the expeditious consideration of munitions li-
7 cense applications that meet the policy and eligibility cri-
8 teria established in section 38 of the Arms Export Control
9 Act (22 U.S.C. 2778) for export or transfer of defense
10 items (as such term is defined in subsection (j)(4)(A) of
11 such section) to Australia and the United Kingdom is fully
12 consistent with United States security and foreign policy
13 interests and the objectives of world peace and security.

14 (b) ESTABLISHMENT OF FAST TRACK MUNITIONS
15 LICENSING FOR AUSTRALIA AND THE UNITED KING-
16 DOM.—Section 38(f) (22 U.S.C. 2778(f)) is amended by
17 adding at the end the following:

18 “(4) In the absence of a binding bilateral agreement
19 with the Government of Australia or the Government of
20 the United Kingdom (as the case may be) that meets the
21 requirements of paragraph (2) and subsection (j), the Sec-
22 retary of State shall ensure that any application submitted
23 under this section for the export of defense items to Aus-
24 tralia or the United Kingdom (as the case may be) that
25 meets all other requirements of this section (including re-

1 requirements relating to eligibility of parties to the trans-
2 action, the absence of risk of diversion to unauthorized
3 end use and end users, and preservation of United States
4 intelligence and law enforcement interests), and which are
5 also transactions involving defense items that would be ex-
6 empt pursuant to sections 120–130 of title 22, Code of
7 Federal Regulations (commonly known as the ‘Inter-
8 national Traffic in Arms Regulations’) from export licens-
9 ing or other written approvals if such items were items
10 to be exported to Canada, are processed by the Depart-
11 ment of State not later than ten days after the date of
12 receipt of the application without referral to any other
13 Federal department or agency, except on an extraordinary
14 basis upon receipt of a written request from the Attorney
15 General, the Secretary of Homeland Security, the Director
16 of Central Intelligence, or the Secretary of Defense.”.

17 **SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSI-**
18 **NESSES.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that it is increasingly important that the Secretary,
21 in administering the licensing, registration, compliance,
22 and other authorities contained in section 38 of the Arms
23 Export Control Act (22 U.S.C. 2778), should provide up-
24 to-date training and other educational assistance to small

1 businesses in the United States aerospace and defense in-
2 dustrial sector.

3 (b) SMALL BUSINESS LIAISON.—Not later than 180
4 days after the date of the enactment of this Act, the Sec-
5 retary shall designate, within the Office of Defense Trade
6 Controls of the Department of State, a coordinator for
7 small business affairs. The coordinator shall serve as a
8 liaison for small businesses in the United States aerospace
9 and defense industrial sector with respect to licensing and
10 registration requirements in order to facilitate the compli-
11 ance and other forms of participation by such small busi-
12 nesses in the United States munitions control system, in-
13 cluding by providing training, technical assistance, and
14 through other efforts as may be appropriate.

15 **SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING**
16 **MUNITIONS CONTROL FUNCTIONS OF THE**
17 **DEPARTMENTS OF STATE, DEFENSE, AND**
18 **HOMELAND SECURITY.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the administrative, licensing, and compliance-
21 related functions associated with the export of defense ar-
22 ticles and defense services under section 38 of the Arms
23 Export Control Act (22 U.S.C. 2778), which are generally
24 administered by the Department of State in conjunction
25 with the Department of Homeland Security and the De-

1 partment of Defense, should be expedited consistent with
2 United States security, law enforcement, and foreign pol-
3 icy requirements by a reduction in the those matters ne-
4 cessitating inter-agency referral outside of the Depart-
5 ment of State, or by co-locating related functions of the
6 Department of Homeland Security and the Department
7 of Defense with those functions of the Department of
8 State in order to minimize the time and administrative
9 tasks to government and industry involved in inter-agency
10 referrals, while also providing a convenient, central loca-
11 tion for United States defense companies, especially small
12 businesses.

13 (b) STUDY AND REPORT.—

14 (1) STUDY.—The Secretary, in consultation
15 with the Secretary of Homeland Security and the
16 Secretary of Defense, and through the Federal advi-
17 sory committee structure with the public, shall con-
18 duct a study to examine the relative advantages and
19 disadvantages to the United States Government, the
20 United States defense industry, including United
21 States small businesses, and to other public constitu-
22 encies of co-locating relevant functions and per-
23 sonnel of the Department of State, the Department
24 of Homeland Security, and the Department of De-
25 fense with the Office of Defense Trade Controls of

1 the Department of State at a central location con-
2 venient to the public and United States defense in-
3 dustry, without prejudice to the responsibilities and
4 prerogatives of the Secretary, the Secretary of
5 Homeland Security, and the Secretary of Defense
6 under existing law.

7 (2) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act, the Secretary
9 shall prepare and submit to the appropriate congres-
10 sional committees a report that contains the results
11 of study conducted under paragraph (1).

12 **TITLE XIII—SECURITY ASSIST-**
13 **ANCE AND RELATED PROVI-**
14 **SIONS**

15 **Subtitle A—Foreign Military Sales**
16 **and Financing Authorities**

17 **SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Presi-
19 dent for grant assistance under section 23 of the Arms
20 Export Control Act (22 U.S.C. 2763) and for the subsidy
21 cost, as defined in section 502(5) of the Federal Credit
22 Reform Act of 1990, of direct loans under such section
23 \$4,414,000,000 for fiscal year 2004.

1 **SEC. 1302. PROVISION OF CATALOGING DATA AND SERV-**
2 **ICES.**

3 Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended
4 by striking “or to any member government of that Organi-
5 zation if that Organization or member government” and
6 inserting “, to any member of that Organization, or to
7 the Governments of Australia, New Zealand, or Japan if
8 that Organization, member government, or the Govern-
9 ments of Australia, New Zealand, or Japan”.

10 **SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR**
11 **SALES PROGRAM.**

12 Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended
13 by inserting after “\$7,000,000 or more” the following
14 “(or, in the case of a member country of the North Atlan-
15 tic Treaty Organization (NATO), Australia, New Zealand,
16 or Japan, \$25,000,000 or more)”.

17 **SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION RE-**
18 **QUIREMENT FOR TRANSFER OF CERTAIN EX-**
19 **CESS DEFENSE ARTICLES.**

20 Section 516(f)(1) of the Foreign Assistance Act of
21 1961 (22 U.S.C. 2321i) is amended by striking “signifi-
22 cant military equipment (as defined in section 47(9) of
23 the Arms Export Control Act)” and inserting “major de-
24 fense equipment (as defined in section 47(6) of the Arms
25 Export Control Act)”.

1 **Subtitle B—International Military**
2 **Education and Training**

3 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Presi-
5 dent \$91,700,000 for fiscal year 2004 to carry out chapter
6 5 of part II of the Foreign Assistance Act of 1961 (22
7 U.S.C. 2347 et seq.).

8 **SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORT-**
9 **ING.**

10 Section 656(a)(1) of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2416(a)(1)) is amended—

12 (1) by striking “January 31” and inserting
13 “March 1”; and

14 (2) by striking “and all such training proposed
15 for the current fiscal year”.

16 **Subtitle C—Assistance for Select**
17 **Countries**

18 **SEC. 1321. ASSISTANCE FOR ISRAEL.**

19 Section 513 of the Security Assistance Act of 2000
20 (Public Law 106–280) is amended—

21 (1) in subsection (b)(1), by striking “2002 and
22 2003” and inserting “2003 through 2005”;

23 (2) in subsection (c)(1), by striking “2002 and
24 2003” and inserting “2003 through 2005”;

25 (3) in subsection (c)(3)—

1 (A) by striking “fiscal years 2002 and
2 2003” and inserting “fiscal years 2004 and
3 2005”;

4 (B) by striking “fiscal year 2002” and in-
5 serting “fiscal year 2004”; and

6 (C) by striking “fiscal year 2003, or” and
7 inserting “fiscal year 2005, or”; and
8 (4) in subsection (c)(4)—

9 (A) by striking “2002 and 2003” and in-
10 serting “2003 through 2005”; and

11 (B) by striking “\$535,000,000 for fiscal
12 year 2002” and all that follows through “fiscal
13 year 2003” and inserting “\$550,000,000 for
14 fiscal year 2003, not less than \$565,000,000
15 for fiscal year 2004, and not less than
16 \$580,000,000 for fiscal year 2005”.

17 **SEC. 1322. ASSISTANCE FOR EGYPT.**

18 Section 514 of the Security Assistance Act of 2000
19 (Public Law 106–280) is amended—

20 (1) by striking “2002 and 2003” each place it
21 appears and inserting “2003 through 2005”; and

22 (2) in subsection (e)—

23 (A) by striking “fiscal years 2002 and
24 2003” and inserting “fiscal years 2004 and
25 2005”;

1 (B) by striking “fiscal year 2002” and in-
2 serting “fiscal year 2004”; and

3 (C) by striking “fiscal year 2003, or” and
4 inserting “fiscal year 2005, or”.

5 **Subtitle D—Miscellaneous**
6 **Provisions**

7 **SEC. 1331. UNITED STATES WAR RESERVE STOCKPILES FOR**
8 **ALLIES.**

9 Section 514(b)(2) of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2321h(b)(2)) is amended—

11 (1) in subparagraph (A), by striking “for fiscal
12 year 2003” and inserting “for each of fiscal years
13 2003 and 2004”; and

14 (2) in subparagraph (B), by striking “for fiscal
15 year 2003” and inserting “for each of fiscal years
16 2003 and 2004”.

17 **SEC. 1332. TRANSFER TO ISRAEL OF CERTAIN DEFENSE AR-**
18 **TICLES IN THE UNITED STATES WAR RE-**
19 **SERVE STOCKPILES FOR ALLIES.**

20 (a) AUTHORIZATION.—Notwithstanding section 514
21 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
22 the President is authorized to transfer to Israel, in return
23 for concessions to be negotiated by the Secretary of De-
24 fense, with the concurrence of the Secretary, defense arti-

1 cles, including armor, artillery, ammunition for automatic
2 weapons, missiles, and other munitions that are—

3 (1) obsolete or surplus items;

4 (2) in the inventory of the Department of De-
5 fense;

6 (3) intended for use as reserve stocks in Israel;

7 and

8 (4) are located in a stockpile in Israel as of the
9 date of enactment of this Act.

10 (b) CONCESSIONS.—The value of concessions nego-
11 tiated pursuant to subsection (a) shall be at least equal
12 to the fair market value of the items transferred. The con-
13 cessions may include cash compensation, services, waiver
14 of charges otherwise payable by the United States, and
15 other items of value.

16 (c) ADVANCE NOTIFICATION OF TRANSFER.—

17 (1) IN GENERAL.—Not less than 30 days before
18 making a transfer under the authority of this sec-
19 tion, the President shall transmit a notification de-
20 scribing the items to be transferred to Israel and the
21 concessions to be received by the United States to
22 the congressional committees specified in paragraph
23 (2).

1 (2) CONGRESSIONAL COMMITTEES SPECI-
2 FIED.—The congressional committees referred to in
3 paragraph (1) are—

4 (A) the Committee on International Rela-
5 tions and the Committee on Armed Services of
6 the House of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Armed Services of the
9 Senate.

10 (d) EXPIRATION OF AUTHORITY.—No transfer may
11 be made under the authority of this section following the
12 expiration of the five-year period beginning on the date
13 of enactment of this Act.

14 **SEC. 1333. EXPANSION OF AUTHORITIES FOR LOAN OF MA-**
15 **TERIAL, SUPPLIES, AND EQUIPMENT FOR RE-**
16 **SEARCH AND DEVELOPMENT PURPOSES.**

17 Section 65 (22 U.S.C. 2796d) is amended—

18 (1) in subsection (a)(1), by inserting “or a
19 friendly foreign country” after “ally” each place
20 such term appears; and

21 (2) in subsection (d) to read as follows:

22 “(d) For purposes of this section—

23 “(1) the term ‘NATO ally’ means a member
24 country of the North Atlantic Treaty Organization
25 (other than the United States); and

1 “(2) the term ‘friendly foreign country’ means
2 any non-NATO member country determined by the
3 President to be eligible for a cooperative project
4 agreement with the United States pursuant to sec-
5 tion 27(j) of this Act.”.

6 **SEC. 1334. ASSISTANCE FOR DEMINING AND RELATED AC-**
7 **TIVITIES.**

8 (a) ASSISTANCE.—The Secretary is authorized to
9 provide grants to, or enter into contracts or cooperative
10 agreements with, public-private partnerships for the pur-
11 pose of establishing and carrying out demining, clearance
12 of unexploded ordnance, and related activities in foreign
13 countries.

14 (b) LIMITATION.—Except as otherwise provided, the
15 total amount provided on a grant basis to public-private
16 partnerships under subsection (a) for a fiscal year may
17 not exceed \$450,000.

18 (c) FUNDING.—Amounts made available to carry out
19 “Nonproliferation, Anti-Terrorism, Demining, and Re-
20 lated Programs” for fiscal year 2004 are authorized to
21 be made available to carry out this section.

1 **SEC. 1335. REPORTS RELATING TO TREATY BETWEEN THE**
2 **UNITED STATES AND THE RUSSIAN FEDERA-**
3 **TION ON STRATEGIC OFFENSIVE REDUC-**
4 **TIONS.**

5 The President shall submit to the Committee on
6 International Relations of the House of Representatives
7 all reports submitted to the Committee on Foreign Rela-
8 tions pursuant to section 2 of the Senate Resolution of
9 Ratification to Accompany Treaty Document 107–8,
10 Treaty Between the United States of America and the
11 Russian Federation on Strategic Offensive Reductions.

12 **SEC. 1336. STATEMENT OF HOUSE OF REPRESENTATIVES**
13 **REGARDING THE TREATY BETWEEN THE**
14 **UNITED STATES AND THE RUSSIAN FEDERA-**
15 **TION ON STRATEGIC OFFENSIVE REDUC-**
16 **TIONS.**

17 The House of Representatives—

18 (1) concurs with the declarations of the
19 Senate in section 3 of the Resolution of Ratifi-
20 cation to Accompany Treaty Document 107–8,
21 Treaty Between the United States of America
22 and the Russian Federation on Strategic Offen-
23 sive Reductions;

24 (2) encourages the President to continue
25 strategic offensive reductions to the lowest pos-
26 sible levels consistent with national security re-

1 quirements and alliance obligations of the
2 United States;

3 (3) urges the President to engage the Rus-
4 sian Federation with the objectives of estab-
5 lishing cooperative measures to give each party
6 to the Treaty Between the United States of
7 America and the Russian Federation on Stra-
8 tegic Offensive Reductions improved confidence
9 regarding the accurate accounting and security
10 of nonstrategic nuclear weapons maintained by
11 the other party; and

12 (4) encourages the President to accelerate
13 United States strategic force reductions, to the
14 extent feasible and consistent with the treaty, in
15 order that the reductions required by Article I
16 of the Treaty Between the United States of
17 America and the Russian Federation on Stra-
18 tegic Offensive Reductions may be achieved
19 prior to December 31, 2012.

20 **SEC. 1337. NONPROLIFERATION AND DISARMAMENT FUND.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There are authorized to be
23 appropriated to the President to carry out section
24 504 of the Freedom for Russia and Emerging Eur-
25 asian Democracies and Open Markets Support Act

1 of 1992 (22 U.S.C. 5854; relating to the “Non-
2 proliferation and Disarmament Fund”) \$60,000,000
3 for each of the fiscal years 2004 and 2005.

4 (2) AVAILABILITY.—Amounts appropriated pur-
5 suant to the authorization of appropriations under
6 paragraph (1) are authorized to remain available
7 until expended.

8 (b) NONPROLIFERATION OF HIGHLY ENRICHED
9 URANIUM.—

10 (1) FINDINGS.—Congress finds the following:

11 (A) Highly enriched uranium is the most
12 likely source material for terrorist or other out-
13 law organizations that seek to acquire a nuclear
14 weapon.

15 (B) Such organizations are not likely to
16 produce this source material on their own, but
17 will instead look to divert highly enriched ura-
18 nium from some of the many vulnerable stock-
19 piles in numerous facilities around the world.

20 (C) There is a need for a coordinated
21 United States Government initiative to secure
22 and dispose of highly enriched uranium stock-
23 piles in these vulnerable facilities around the
24 world.

1 (D) The Nonproliferation and Disar-
2 mament Fund (NDF) is a unique and flexible
3 entity that is well-suited to carry out the initia-
4 tive described in subparagraph (C), in coopera-
5 tion with other Federal departments and agen-
6 cies, including the Department of Energy.

7 (2) INITIATIVE.—The Secretary of State is au-
8 thorized to establish and carry out an initiative to
9 secure and dispose of highly enriched uranium stock-
10 piles in foreign countries, including the provision of
11 such assistance as may be required to secure host
12 country cooperation under the initiative.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—Of
14 the amounts made available to carry out section 504
15 of the Freedom for Russia and Emerging Eurasian
16 Democracies and Open Markets Support Act of
17 1992 (22 U.S.C. 5854) for fiscal years 2004 and
18 2005, there are authorized to be appropriated to the
19 Secretary to carry out paragraph (2) \$25,000,000
20 for each such fiscal year.

21 **SEC. 1338. MARITIME INTERDICTION PATROL BOATS FOR**
22 **MOZAMBIQUE.**

23 (a) IN GENERAL.—Of the amounts made available to
24 carry out section 23 of the Arms Export Control Act for
25 fiscal year 2004, there is authorized to be appropriated

1 \$1,000,000 for refurbishment, delivery, operational train-
2 ing, and related costs associated with the provision of not
3 more than four excess coastal patrol boats to the Govern-
4 ment of Mozambique for maritime patrol and interdiction
5 activities.

6 (b) AVAILABILITY.—Amounts appropriated pursuant
7 to the authorization of appropriations under subsection (a)
8 are authorized to remain available until September 30,
9 2006.

10 **SEC. 1339. REPORT ON MISSILE DEFENSE COOPERATION.**

11 Not later than December 31, 2003, and December
12 31, 2004, the Secretary of State shall submit to the appro-
13 priate congressional committees a report on cooperative ef-
14 forts that have been undertaken by the United States with
15 foreign governments to foster the development and deploy-
16 ment of defenses against missile attack. Such report shall
17 include a detailed description of such efforts on a country-
18 by-country basis, and may be submitted in classified and
19 unclassified form, as appropriate.

20 **SEC. 1340. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EX-**
21 **PLOSIVE DEVICE.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) Iran, as a party to the Treaty on the Non-
24 Proliferation of Nuclear Weapons, has legally for-
25 sworn developing or acquiring nuclear weapons.

1 (2) Iran has for more than a decade pursued a
2 program aimed at the development of a nuclear ex-
3 plosive device.

4 (3) Director of Central Intelligence George
5 Tenet has repeatedly warned of Iran's clandestine
6 efforts to acquire weapons of mass destruction, stat-
7 ing as recently as February 11, 2003, in testimony
8 before Congress that "Iran is continuing to pursue
9 development of a nuclear fuel cycle for civilian and
10 nuclear weapons purposes . . . [and further that]
11 Tehran may be able to indigenously produce enough
12 fissile material for a nuclear weapon" within this
13 decade.

14 (4) On March 17, 2003, Dr. el Baradei, Direc-
15 tor General of the International Atomic Energy
16 Agency (IAEA), called on Iran to agree to a more
17 intrusive monitoring regime at its nuclear sites and
18 demanded that Iran, which is a signatory to the Nu-
19 clear Non-Proliferation Treaty, agree to an "addi-
20 tional protocol" under the IAEA's nuclear inspection
21 rights, which would enable more intrusive moni-
22 toring.

23 (5) In early 2003 Iran announced plans to mine
24 its own natural uranium and admitted constructing
25 two nuclear facilities, one a gas centrifuge uranium

1 enrichment facility and the other a heavy water pro-
2 duction plant.

3 (6) A uranium enrichment facility would give
4 Iran the capability to indigenously produce nuclear-
5 weapons grade uranium. Further, heavy water is
6 used in reactors that not only produce weapons-
7 grade plutonium, but also tritium, a key ingredient
8 in boosted-fission weapons.

9 (7) At the same time, Iran has been developing
10 long-range missiles that could deliver nuclear explo-
11 sive devices. Director of Central Intelligence Tenet
12 has warned that Iran could flight test an interconti-
13 nental ballistic missile later this decade.

14 (8) Iran has received considerable assistance in
15 its nuclear program and in its missile development
16 program from the Russian Federation, the People's
17 Republic of China, and North Korea.

18 (9) Congress has long been seized with finding
19 ways to deter or delay Iran's acquisition or develop-
20 ment of such deadly weapons, including through the
21 enactment of the Iran-Iraq Arms Non-Proliferation
22 Act of 1992, the Iran Libya Sanctions Act of 1996,
23 the Iran Non-Proliferation Act of 2000, and the
24 Iran Nuclear Proliferation Prevention Act of 2002.

1 (10) Successive Administrations have similarly
2 sought to deter or delay Iran's acquisition or devel-
3 opment of such weapons by such measures as ele-
4 vating Iran's proliferation behavior in bilateral rela-
5 tions with the Russian Federation and the People's
6 Republic of China, sanctioning entities of the Rus-
7 sian Federation providing technology or expertise to
8 Iran's nuclear and missile programs, and urging
9 multilateral export control regimes to deny sensitive
10 technology to proliferators like Iran.

11 (11) President Bush included Iran as one of the
12 countries that comprise the "axis of evil" in his Jan-
13 uary 2002 State of the Union Address because of its
14 efforts to develop weapons of mass destruction and
15 its support of international terrorism. Iran has been
16 the principle supporter and supplier to Hizballah in
17 southern Lebanon, Hamas, and Islamic Jihad. Fur-
18 ther, the leaders of Iran have publicly called for the
19 destruction of the State of Israel.

20 (12) A nuclear-armed Iran would pose a grave
21 threat to the national security of the United States
22 and to our allies in the region.

23 (b) STATEMENT OF POLICY.—Congress—

24 (1) finds that Iran's support of terrorism and
25 its efforts to develop nuclear weapons are a grave

1 threat to the national security of the United States
2 and its allies and to the United States Armed
3 Forces;

4 (2) declares that the United States and our
5 friends and allies must make maximum efforts to
6 prevent Iran from developing or acquiring nuclear
7 weapons and the missiles to deliver them;

8 (3) urges the President to use all appropriate
9 means to prevent Iran from gaining such capabili-
10 ties;

11 (4) urges the International Atomic Energy
12 Agency (IAEA) to employ the full range of its in-
13 spection authorities to ensure that Iran's nuclear
14 program is used for peaceful purposes only;

15 (5) encourages Iran to sign and ratify the new
16 nuclear safeguards protocol, the "Model Additional
17 Protocol (INFCIRC/540-Corr)" to the Treaty on the
18 Non-Proliferation of Nuclear Weapons, which would
19 demonstrate Iran's commitment to sharing informa-
20 tion about its nuclear program with the IAEA and
21 the international community and to full disclosure
22 and transparency about its nuclear program; and

23 (6) urges the United States resident representa-
24 tive to the IAEA to work with the Board of Gov-
25 ernors of the IAEA on guidelines for early identifica-

1 tion of noncompliance with the Nuclear Non-Pro-
2 liferation Treaty.

3 **TITLE XIV—MISSILE THREAT**
4 **REDUCTION ACT OF 2003**

5 **SEC. 1401. SHORT TITLE.**

6 This title may be cited as the “Missile Threat Reduc-
7 tion Act of 2003”.

8 **Subtitle A—Strengthening Inter-**
9 **national Missile Nonprolifera-**
10 **tion Law**

11 **SEC. 1411. FINDINGS.**

12 Congress makes the following findings:

13 (1) The spread of offensive ballistic missiles
14 suitable for launching nuclear, chemical, and biologi-
15 cal warheads is accelerating across the globe.

16 (2) According to the Carnegie Endowment for
17 International Peace, more than 25 countries possess
18 missiles with ranges in excess of 300 kilometers and
19 capable of delivering a nuclear warhead.

20 (3)(A) Many of the countries now possessing
21 such missiles, and engaging in the sale and transfer
22 of such missiles and their production technology to
23 other countries, are directly hostile to the United
24 States, its interests, and its allies.

1 (B) Of particular concern in this regard is
2 North Korea, which regularly sells ballistic missiles
3 and technology to countries in regions of instability
4 and concern to the United States.

5 (4) The Central Intelligence Agency has stated
6 in its most recent report on the foreign ballistic mis-
7 sile threat the following:

8 “Emerging ballistic missile states continue
9 to increase the range, reliability, and accuracy
10 of the missile systems in their inventories—pos-
11 ing ever greater risks to U.S. forces, interests,
12 and allies throughout the world. A decade ago,
13 U.S. and allied forces abroad faced threats
14 from SRBM’s [Short Range Ballistic Mis-
15 siles]—primarily the Scud and its variants.
16 Today, countries have deployed or are on the
17 verge of deploying MRBM’s [Medium Range
18 Ballistic Missiles], placing greater numbers of
19 targets at risk.

20 “Proliferation of ballistic missile-related
21 technologies, materials, and expertise—espe-
22 cially by Russian, Chinese, and North Korean
23 entities—has enabled emerging missile states to
24 accelerate the development timelines for their
25 existing programs, acquire turnkey systems to

1 gain previously non-existent capabilities—in the
2 case of the Chinese sale of the M-11 SRBM to
3 Pakistan—and lay the groundwork for the ex-
4 pansion of domestic infrastructures to poten-
5 tially accommodate even more capable and
6 longer range future systems.”.

7 (5) The same CIA report also noted the fol-
8 lowing: “North Korea has assumed the role as the
9 missile and manufacturing technology source for
10 many programs. North Korean willingness to sell
11 complete systems and components has enabled other
12 states to acquire longer range capabilities earlier
13 than otherwise would have been possible—notably
14 the sale of the No Dong MRBM to Pakistan. The
15 North also has helped countries to acquire tech-
16 nologies to serve as the basis for domestic develop-
17 ment efforts—as with Iran’s reverse-engineering of
18 the No Dong in the Shahab-3 program. Meanwhile,
19 Iran is expanding its efforts to sell missile tech-
20 nology.”.

21 (6) Since 1987, 33 countries have committed to
22 abide by a voluntary set of guidelines known as the
23 Missile Technology Control Regime (MTCR), where-
24 by adherents agreed to refrain from the transfer to
25 nonadherents of certain categories of whole missiles,

1 their constituent parts, and the facilities to manu-
2 facture them, especially “Category I” missiles, which
3 at a range of 300 kilometers or more and a payload
4 capacity of 500 kilograms or more are especially
5 suited for delivering nuclear weapons.

6 (7) In October 2002, 93 countries committed to
7 observe a nonbinding code of conduct derived from,
8 but less restrictive than, the nonbinding MTCR.
9 While this is a welcome achievement, it does not pro-
10 vide a legal obligation on its adherents to refrain
11 from the trade in missiles or missile technology.

12 (8) On December 10, 2002, the White House
13 released its “National Strategy to Combat Weapons
14 of Mass Destruction”, wherein it is stated that
15 strengthening international nonproliferation controls
16 on weapons of mass destruction (WMD) and upon
17 the missiles that can deliver them is the second of
18 three principal pillars of the National Strategy. The
19 National Strategy also states that “effective inter-
20 diction is a critical part of the U.S. strategy to com-
21 bat WMD and their delivery means”.

22 (9) On December 11, 2002, the United States
23 took control of an unflagged freighter that was at-
24 tempting clandestinely to ship, from North Korea to
25 Yemen, SCUD missiles of a type that would be gen-

1 erally prohibited from transfer as Category I mis-
2 siles.

3 (10) Neither North Korea nor Yemen is an ad-
4 herent to the MTCR guidelines, which in any case
5 are not legally binding, and there is no binding
6 international legal instrument that would prohibit
7 shipments of the missiles referred to in paragraph
8 (9).

9 (11) At Yemen's request, the United States re-
10 leased the shipment of North Korean Scud missiles
11 to Yemen.

12 (12) Also on December 11, 2002, the White
13 House press spokesman stated that existing inter-
14 national law regarding halting the spread of missile
15 proliferation could be strengthened. The new Na-
16 tional Strategy to Combat Weapons of Mass De-
17 struction also commits the United States to support
18 those regimes that are currently in force, and to
19 work to improve the effectiveness of, and compliance
20 with, those regimes, and identifies the MTCR as a
21 regime that the United States will seek to strength-
22 en.

23 (13) Secretary of Defense Donald Rumsfeld,
24 testifying on February 12, 2003, before the Com-
25 mittee on Armed Services of the Senate, stated the

1 following: "...[I]t's pretty clear that the prolifera-
2 tion regimes that exist in the world worked pretty
3 well before, [but] they're not working very well right
4 now.... [U]nless the world wakes up and says this
5 is a dangerous thing and creates a set of regimes
6 that will in fact get cooperation to stop those weap-
7 ons, we're going to be facing a very serious situation
8 in the next five years."

9 (14) The MTCR has made an invaluable con-
10 tribution to restraint in the international trade of of-
11 fensive ballistic missiles. Strengthening international
12 controls on ballistic missiles, however, will require a
13 dramatic expansion of adherents that rigorously
14 abide by the MTCR's guidelines, and a binding legal
15 basis for the United Nations and countries devoted
16 to nonproliferation to prevent, and when necessary
17 act to prevent, further proliferation of offensive bal-
18 listic missiles around the world.

19 (15) Therefore, it should be the policy of the
20 United States to promote the creation of new inter-
21 national mechanisms that would, in all future cir-
22 cumstances, allow the peace-loving and law-abiding
23 nations of the world the authority to interdict and
24 prevent the transfer of such missiles.

1 **SEC. 1412. POLICY OF THE UNITED STATES.**

2 It shall be the policy of the United States to seek
3 a binding international instrument or instruments to re-
4 strict the trade in offensive ballistic missiles with ranges
5 of 300 kilometers or more that have a payload capacity
6 of 500 kilograms or more. Such a binding international
7 instrument may take the form of a multilateral treaty, a
8 United Nations Security Council resolution, or other in-
9 strument of international law, and should provide for en-
10 forcement measures including interdiction, seizure, and
11 impoundment of illicit shipments of offensive ballistic mis-
12 siles and related technology, equipment, and components.

13 **SEC. 1413. SENSE OF CONGRESS.**

14 It is the sense of the Congress that the United States
15 should immediately introduce a resolution in the United
16 Nations Security Council to prohibit all members of the
17 United Nations from purchasing, receiving, assisting or al-
18 lowing the transfer of, and to authorize the subsequent
19 interdiction, seizure, and impoundment of, any missile,
20 missile-related equipment, means of producing missiles, or
21 missile-related technology from North Korea.

1 **Subtitle B—Strengthening United**
2 **States Missile Nonproliferation**
3 **Law**

4 **SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PER-**
5 **SONS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, upon the expiration, or the granting of a waiv-
8 er, on or after January 1, 2003, of sanctions against a
9 foreign person imposed under section 73(a) of the Arms
10 Export Control Act (22 U.S.C. 2797b(a)) or under section
11 11B(b)(1) of the Export Administration Act of 1979 (50
12 U.S.C. App. 2410b(b)(1)), as continued in effect under
13 the International Emergency Economic Powers Act, a li-
14 cense shall be required, for a period of not less than 3
15 years, for the export to that foreign person of all items
16 controlled for export under section 5 or 6 of the Export
17 Administration Act of 1979 (50 U.S.C. App. 2404, 2405),
18 as continued in effect under the International Emergency
19 Economic Powers Act, in accordance with the Export Ad-
20 ministration Regulations.

21 (b) TERMINATION.—Subsection (a) shall not apply to
22 a foreign person 30 days after the President notifies the
23 Committee on International Relations of the House of
24 Representatives and the Committee on Banking, Housing,

1 and Urban Affairs and the Committee on Foreign Rela-
2 tions of the Senate that he has determined that—

3 (1) the foreign person has—

4 (A) ceased all activity related to the origi-
5 nal imposition of sanctions under section 73(a)
6 of the Arms Export Control Act or section
7 11B(b)(A) of the Export Administration Act of
8 1979, as the case may be; and

9 (B) has instituted a program of trans-
10 parency measures whereby the United States
11 will be able to verify for at least a period of 3
12 years that the foreign person is not engaging in
13 prohibited activities under those provisions of
14 law referred to in paragraph (1); and

15 (2) there has been an appropriate resolution of
16 the original violation or violations, such as financial
17 penalties, incarceration, destruction of prohibited
18 items, or other appropriate measures taken to pre-
19 vent a recurrence of the violation or violations.

20 **SEC. 1422. STRENGTHENING UNITED STATES MISSILE PRO-**
21 **LIFERATION SANCTIONS ON FOREIGN PER-**
22 **SONS.**

23 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)
24 (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years”
25 each place it appears and inserting “4 years”.

1 (b) PUBLIC INFORMATION.—Section 73(e)(2) (22
2 U.S.C. 2797b(e)(2)) is amended by adding at the end the
3 following new sentence: “Such report may be classified
4 only to the extent necessary to protect intelligence sources
5 and methods. If the report is so classified, the President
6 shall make every effort to acquire sufficient alternative in-
7 formation that would allow a subsequent unclassified ver-
8 sion of the report to be issued.”.

9 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any
10 sanction imposed on a foreign person under section
11 11B(b)(1) of the Export Administration Act of 1979 (50
12 U.S.C. App. 2410b(b)(1)), as continued in effect under
13 the International Emergency Economic Powers Act, shall
14 be in effect for a period of 4 years beginning on the date
15 on which the sanction was imposed.

16 (d) APPLICABILITY.—The amendments made by sub-
17 sections (a) and (b) and the provisions of subsection (c)
18 shall apply to all sanctions imposed under section 73(a)
19 of the Arms Export Control Act or section 11B(b)(1) of
20 the Export Administration Act of 1979, as continued in
21 effect under the International Emergency Economic Pow-
22 ers Act, by reason of acts giving rise to such sanctions
23 that were committed by foreign persons on or after Janu-
24 ary 1, 2003.

1 **SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PRO-**
2 **LIFERATION SANCTIONS ON ALL RESPON-**
3 **SIBLE PERSONS.**

4 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)
5 (22 U.S.C. 2797b(a)) is amended by adding at the end
6 the following new paragraph:

7 “(3)(A) Sanctions imposed upon a foreign person
8 under paragraph (2) shall also be imposed on any govern-
9 mental entity that the President determines exercises ef-
10 fective control over, benefits from, or directly or indirectly
11 facilitates the activities of that foreign person.

12 “(B) When a sanction is imposed on a foreign person
13 under paragraph (2), the President may also impose that
14 sanction on any other person or entity that the President
15 has reason to believe has or may acquire items that may
16 not be exported to that foreign person on account of the
17 sanction imposed on that foreign person, with the intent
18 to transfer to that foreign person, or provide to that for-
19 eign person access to, such items.

20 “(C) The President may also prohibit, for such period
21 of time as he may determine, any transaction or dealing,
22 by a United States person or within the United States,
23 with any foreign person on whom sanctions have been im-
24 posed under this subsection.

25 “(D) The President shall report on an annual basis
26 to the Committee on International Relations of the House

1 of Representatives and the Committee on Foreign Rela-
2 tions of the Senate the identity of any foreign person that
3 engages in any transaction or activity with a foreign per-
4 son on whom sanctions have been imposed under this sub-
5 section that either—

6 “(i) would be the basis for imposing sanctions
7 under subparagraph (B) but for which sanctions
8 have not been imposed; or

9 “(ii) would be the basis for imposing sanctions
10 under subparagraph (C) if the transaction or activity
11 had been carried out by a United States person or
12 by a person in the United States.

13 Such report shall be unclassified to the maximum extent
14 feasible, but may include a classified annex.”.

15 (b) DEFINITION OF PERSON.—Section 74(a)(8)(A)
16 (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

17 “(8)(A) the term ‘person’ means—

18 “(i) a natural person;

19 “(ii) a corporation, business association,
20 partnership, society, trust, transnational cor-
21 poration, or transnational joint venture, any
22 other nongovernmental entity, organization, or
23 group, and any governmental entity;

1 “(iii) any subsidiary, subunit, or parent en-
2 tity of any business enterprise or other organi-
3 zation or entity listed in clause (ii); and

4 “(iv) any successor of any business enter-
5 prise or other organization or entity listed in
6 clause (ii) or (iii); and”.

7 (c) EXPORT ADMINISTRATION ACT OF 1979.—

8 (1) SANCTIONS IMPOSED ON GOVERNMENT EN-
9 TITIES.—Any sanction imposed on a foreign person
10 under section 11B(b)(1)(B) of the Export Adminis-
11 tration Act of 1979 (50 U.S.C. App.
12 2410b(b)(1)(B)), as continued in effect under the
13 International Emergency Economic Powers Act (in
14 this subsection referred to as a “dual use sanction”),
15 shall also be imposed on any governmental entity
16 that the President determines exercises effective con-
17 trol over, benefits from, or directly or indirectly fa-
18 cilitates the activities of that foreign person.

19 (2) OTHER ENTITIES.—When a dual use sanc-
20 tion is imposed on a foreign person, the President
21 may also impose that sanction on any other person
22 or entity that the President has reason to believe
23 has or may acquire items that may not be exported
24 to that foreign person on account of the dual use
25 sanction imposed on that foreign person, with the in-

1 tent to transfer to that foreign person, or provide to
2 that foreign person access to, such items.

3 (3) TRANSACTIONS BY THIRD PARTIES.—The
4 President may also prohibit, for such period of time
5 as he may determine, any transaction or dealing, by
6 a United States person or within the United States,
7 with any foreign person on whom dual use sanctions
8 have been imposed.

9 (4) REPORT.—The President shall submit on
10 an annual basis to the appropriate congressional
11 committees a report that contains the identity of any
12 foreign person that engages in any transaction or
13 activity with a foreign person on whom dual use
14 sanctions have been imposed that either—

15 (A) would be the basis for imposing dual
16 use sanctions under paragraph (2) but for
17 which such sanctions have not been imposed; or

18 (B) would be the basis for imposing dual
19 use sanctions under paragraph (3) if the trans-
20 action or activity had been carried out by a
21 United States person or by a person in the
22 United States.

23 Such report shall be unclassified to the maximum
24 extent feasible, but may include a classified annex.

25 (5) DEFINITIONS.—In this subsection:

1 (A) PERSON.—The term “person”
2 means—

3 (i) a natural person;

4 (ii) a corporation, business associa-
5 tion, partnership, society, trust,
6 transnational corporation, or transnational
7 joint venture, any other nongovernmental
8 entity, organization, or group, and any
9 governmental entity;

10 (iii) any subsidiary, subunit, or parent
11 entity of any business enterprise or other
12 organization or entity listed in clause (ii);
13 and

14 (iv) any successor of any business en-
15 terprise or other organization or entity list-
16 ed in clause (ii) or (iii).

17 (B) In the case of countries where it may
18 be impossible to identify a specific governmental
19 entity referred to in subparagraph (A), the
20 term “person” means—

21 (i) all activities of that government re-
22 lating to the development or production of
23 any missile equipment or technology; and

24 (ii) all activities of that government
25 affecting the development or production of

1 aircraft, electronics, and space systems or
2 equipment.

3 (C) UNITED STATES PERSON.—The term
4 “United States person” has the meaning given
5 that term in section 16(2) of the Export Ad-
6 ministration Act of 1979 (50 U.S.C. App.
7 2415(2)).

8 (D) MISSILE EQUIPMENT OR TECH-
9 NOLOGY.—The term “missile equipment or
10 technology” has the meaning given that term in
11 section 11B(c) of the Export Administration
12 Act of 1979 (50 U.S.C. App. 2410b(c)).

13 (d) EFFECTIVE DATE.—The amendments made by
14 subsections (a) and (b) shall apply with respect to sanc-
15 tions imposed on or after January 1, 2003, on foreign per-
16 sons under section 73(a)(2) of the Arms Export Control
17 Act, and the provisions of subsection (c) shall apply with
18 respect to sanctions imposed on or after January 1, 2003,
19 on foreign persons under section 11B(b) of the Export Ad-
20 ministration Act of 1979 (50 U.S.C. App. 2410b(b)), as
21 continued in effect under the International Emergency
22 Economic Powers Act.

1 **Subtitle C—Incentives for Missile**
2 **Threat Reduction**

3 **SEC. 1431. FOREIGN ASSISTANCE.**

4 (a) TYPES OF ASSISTANCE.—The President is au-
5 thorized to provide, on such terms as the President deems
6 appropriate, the following assistance to countries that
7 agree to destroy their ballistic missiles, and their facilities
8 for producing ballistic missiles, that have a payload capac-
9 ity of 500 kilograms or more over a distance of 300 kilo-
10 meters or more:

11 (1) Assistance under section 23 of the Arms
12 Export Control Act (22 U.S.C. 2763).

13 (2) Assistance under chapter 4 of part II of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2346 et
15 seq.), notwithstanding section 531(e) or 660(a) of
16 that Act (22 U.S.C. 2346(e) or 2420(a)).

17 (3) Drawdown of defense articles, defense serv-
18 ices, and military education and training under sec-
19 tion 506 of the Foreign Assistance Act of 1961 (22
20 U.S.C. 2318).

21 (b) CONGRESSIONAL NOTIFICATION.—Assistance au-
22 thorized under subsection (a) may not be provided until
23 30 days after the date on which the President has pro-
24 vided notice thereof to the appropriate congressional com-
25 mittees in accordance with the procedures applicable to

1 reprogramming notifications under section 634A(a) of the
2 Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).

3 (c) LIMITATION.—Any assistance provided to a coun-
4 try under subsection (a) may not be provided in more than
5 3 fiscal years.

6 **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION.—There is authorized to be ap-
8 propriated to the President to carry out section 1431 the
9 sum of \$250,000,000.

10 (b) AVAILABILITY.—Amounts appropriated pursuant
11 to the authorization of appropriations under subsection (a)
12 are authorized to remain available until expended.

13 **SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN**
14 **MISSILE DISARMAMENT.**

15 The President is authorized to provide technical as-
16 sistance in the destruction of any missile or facility for
17 producing ballistic missiles, in any country that requests
18 such assistance.

19 **TITLE XV—EXPORTS OF**
20 **SATELLITES**

21 **SEC. 1501. EXPORT CONTROLS ON SATELLITES AND RE-**
22 **LATED ITEMS.**

23 Notwithstanding any other provision of law, in the
24 case of the export of commercial communications satellites
25 and related items to a country that is a member of the

1 North Atlantic Treaty Organization or that is a major
2 non-NATO ally of the United States, the President may
3 determine to what extent, and under which provisions of
4 law, such export may be controlled.

5 **SEC. 1502. MANDATORY REVIEW BY DEPARTMENT OF**
6 **STATE.**

7 (a) CERTAIN DEFENSE SERVICES.—The provision of
8 defense services by United States persons, including serv-
9 ices or assistance provided during technical interchange
10 meetings, in connection with the launch of a satellite from,
11 or by nationals of, the People's Republic of China, are sub-
12 ject to section 38 of the Arms Export Control Act.

13 (b) NOTIFICATION TO CONGRESS.—At least 30 days
14 before any export license or any technical assistance agree-
15 ment is approved under subsection (a), the President shall
16 transmit a certification with respect to such export license
17 or technical assistance agreement in the manner provided
18 in section 36(d) of the Arms Export Control Act, to the
19 Speaker of the House of Representatives and the chair-
20 man of the Committee on Foreign Relations of the Senate.
21 The export license or technical assistance agreement shall
22 not be approved if the Congress, within that 30-day pe-
23 riod, enacts a joint resolution prohibiting such approval.
24 The provisions of section 36(d)(5) of that Act shall apply
25 with respect to any such joint resolution, and the provi-

1 sions of section 36(f) of that Act shall apply with respect
2 to any certification submitted under this subsection.

3 **SEC. 1503. EXPORT RESTRICTIONS NOT AFFECTED.**

4 Nothing in this title shall be construed to—

5 (1) modify any restriction on exports imposed
6 under any other provision of law, including—

7 (A) restrictions on exports to—

8 (i) any country the government of
9 which has been determined by the Sec-
10 retary of State to have repeatedly provided
11 support for acts of international terrorism;

12 (ii) any country that does not adhere
13 to the Missile Technology Control Regime;
14 or

15 (iii) any other country of proliferation
16 concern; and

17 (B) restrictions imposed under title IX of
18 the Foreign Relations Authorization Act, Fiscal
19 Years 1990 and 1991; or

20 (2) affect any provision of section 1514 or 1515
21 of the Strom Thurmond National Defense Author-
22 ization Act for Fiscal Year 1999 (22 U.S.C. 2778
23 note), or of title XIV of the National Defense Au-
24 thorization Act for Fiscal Year 2000 (22 U.S.C.
25 2778 note).

1 **SEC. 1504. DEFINITIONS.**

2 In this title:

3 (1) **DEFENSE SERVICE.**—The term “defense
4 service” means—

5 (A) the furnishing of assistance (including
6 training) to foreign persons, whether in the
7 United States or abroad, in the design, develop-
8 ment, engineering, manufacture, production, as-
9 sembly, testing, repair, maintenance, modifica-
10 tion, operation, destruction, processing, or use
11 of a satellite or related items; and

12 (B) the furnishing to foreign persons,
13 whether in the United States or abroad, of any
14 technical data in connection with a satellite or
15 related items.

16 (2) **RELATED ITEMS.**—The term “related
17 items” means the satellite fuel, ground support
18 equipment, test equipment, payload adapter or inter-
19 face hardware, replacement parts, and nonembedded
20 solid propellant orbit transfer engines described in
21 the report submitted to Congress by the Department
22 of State on February 6, 1998, pursuant to section
23 38(f) of the Arms Export Control Act (22 U.S.C.
24 2778(f)), as well as systems, components, parts, ac-
25 cessories, and associated equipment for satellites, in-
26 cluding ground control equipment.

1 (3) UNITED STATES PERSON.—The term
2 “United States person” has the meaning given that
3 term in section 16(2) of the Export Administration
4 Act of 1979 (50 U.S.C. 1415(2)).

5 **TITLE XVI—PROMOTION OF DE-**
6 **MOCRACY, HUMAN RIGHTS,**
7 **AND RULE OF LAW IN**
8 **BELARUS**

9 **SEC. 1601. ASSISTANCE TO PROMOTE DEMOCRACY AND**
10 **CIVIL SOCIETY IN BELARUS.**

11 (a) PURPOSES OF ASSISTANCE.—The assistance
12 under this section shall be available for the following pur-
13 poses:

14 (1) To assist the people of the Republic of
15 Belarus in regaining their freedom and to enable
16 them to join the European community of democ-
17 racies.

18 (2) To encourage free and fair presidential,
19 parliamentary, and local elections in Belarus, con-
20 ducted in a manner consistent with internationally
21 accepted standards and under the supervision of
22 internationally recognized observers.

23 (3) To assist in restoring and strengthening in-
24 stitutions of democratic governance in Belarus.

1 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
2 the purposes of subsection (a), the President is authorized
3 to furnish assistance and other support for the activities
4 described in subsection (c), to be provided primarily for
5 indigenous Belarusian groups that are committed to the
6 support of democratic processes.

7 (c) ACTIVITIES SUPPORTED.—Activities that may be
8 supported by assistance under subsection (b) include—

9 (1) the observation of elections and the pro-
10 motion of free and fair electoral processes;

11 (2) development of democratic political parties;

12 (3) radio and television broadcasting to and
13 within Belarus;

14 (4) the development of nongovernmental organi-
15 zations promoting democracy and supporting human
16 rights;

17 (5) the development of independent media
18 working within Belarus and from locations outside
19 the country and supported by nonstate-controlled
20 printing facilities;

21 (6) international exchanges and advanced pro-
22 fessional training programs for leaders and members
23 of the democratic forces in skill areas central to the
24 development of civil society; and

1 (7) other activities consistent with the purposes
2 of this title.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to the President to carry out this sec-
6 tion such sums as may be necessary for fiscal years
7 2004 and 2005.

8 (2) AVAILABILITY OF FUNDS.—Amounts appro-
9 priated pursuant to the authorization of appropria-
10 tions under paragraph (1) are authorized to remain
11 available until expended.

12 **SEC. 1602. RADIO BROADCASTING TO BELARUS.**

13 (a) PURPOSE.—It is the purpose of this section to
14 authorize increased support for United States Government
15 and surrogate radio broadcasting to the Republic of
16 Belarus that will facilitate the unhindered dissemination
17 of information.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
19 tion to such sums as are otherwise authorized to be appro-
20 priated, there is authorized to be appropriated such sums
21 as may be necessary for each fiscal year for Voice of Amer-
22 ica and RFE/RL, Incorporated for radio broadcasting to
23 the people of Belarus in languages spoken in Belarus.

1 **SEC. 1603. SENSE OF CONGRESS RELATING TO SANCTIONS**
2 **AGAINST THE GOVERNMENT OF BELARUS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the sanctions described in subsections (c) and
5 (d) should apply with respect to the Republic of Belarus
6 until the President determines and certifies to the appro-
7 priate congressional committees that the Government of
8 Belarus has made significant progress in meeting the con-
9 ditions described in subsection (b).

10 (b) CONDITIONS.—The conditions referred to in sub-
11 section (a) are the following:

12 (1) The release of individuals in Belarus who
13 have been jailed based on political or religious be-
14 liefs.

15 (2) The withdrawal of politically motivated legal
16 charges against all opposition figures and inde-
17 pendent journalists in Belarus.

18 (3) A full accounting of the disappearances of
19 opposition leaders and journalists in Belarus, includ-
20 ing Victor Gonchar, Anatoly Krasovsky, Yuri
21 Zakharenka, and Dmitry Zavadsky, and the prosecu-
22 tion of those individuals who are responsible for
23 their disappearances.

24 (4) The cessation of all forms of harassment
25 and repression against the independent media, inde-
26 pendent trade unions, nongovernmental organiza-

1 tions, religious organizations (including their leader-
2 ship and members), and the political opposition in
3 Belarus.

4 (5) The implementation of free and fair presi-
5 dential and parliamentary elections in Belarus con-
6 sistent with OSCE standards on democratic elections
7 and in cooperation with relevant OSCE institutions.

8 (c) DENIAL OF ENTRY INTO THE UNITED STATES
9 OF BELARUSIAN OFFICIALS.—The President should use
10 his authority under section 212(f) of the Immigration and
11 Nationality Act (8 U.S.C. 1182(f)) to deny the entry into
12 the United States of any alien who—

13 (1) holds a position in the senior leadership of
14 the Government of Belarus; or

15 (2) is a spouse, minor child, or agent of a per-
16 son inadmissible under paragraph (1).

17 (d) PROHIBITION ON LOANS AND INVESTMENT.—

18 (1) UNITED STATES GOVERNMENT FINANC-
19 ING.—No loan, credit guarantee, insurance, financ-
20 ing, or other similar financial assistance should be
21 extended by any agency of the United States Gov-
22 ernment (including the Export-Import Bank and the
23 Overseas Private Investment Corporation) to the
24 Government of Belarus, except with respect to the

1 provision of humanitarian goods and agricultural or
2 medical products.

3 (2) TRADE AND DEVELOPMENT AGENCY.—No
4 funds available to the Trade and Development Agen-
5 cy should be available for activities of the Agency in
6 or for Belarus.

7 (e) MULTILATERAL FINANCIAL ASSISTANCE.—It is
8 further the sense of Congress that, in addition to the ap-
9 plication of the sanctions described in subsections (c) and
10 (d) to the Republic of Belarus (until the President deter-
11 mines and certifies to the appropriate congressional com-
12 mittees that the Government of Belarus has made signifi-
13 cant progress in meeting the conditions described in sub-
14 section (b)), the Secretary of the Treasury should instruct
15 the United States Executive Director of each international
16 financial institution to which the United States is a mem-
17 ber to use the voice and vote of the United States to op-
18 pose any extension by those institutions of any financial
19 assistance (including any technical assistance or grant) of
20 any kind to the Government of Belarus, except for loans
21 and assistance that serve humanitarian needs.

22 **SEC. 1604. MULTILATERAL COOPERATION.**

23 It is the sense of Congress that the President should
24 continue to seek to coordinate with other countries, par-
25 ticularly European countries, a comprehensive, multilat-

1 eral strategy to further the purposes of this title, includ-
2 ing, as appropriate, encouraging other countries to take
3 measures with respect to the Republic of Belarus that are
4 similar to measures described in this title.

5 **SEC. 1605. REPORT.**

6 (a) REPORT.—Not later than 90 days after the date
7 of enactment of this Act, and every year thereafter, the
8 President shall transmit to the appropriate congressional
9 committees a report that describes, with respect to the
10 preceding 12-month period, the following:

11 (1) The sale or delivery of weapons or weapons-
12 related technologies from the Republic of Belarus to
13 any country, the government of which the Secretary
14 of State has determined, for purposes of section
15 6(j)(1) of the Export Administration Act of 1979
16 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-
17 vided support for acts of international terrorism.

18 (2) An identification of each country described
19 in paragraph (1) and a detailed description of the
20 weapons or weapons-related technologies involved in
21 the sale.

22 (3) An identification of the goods, services,
23 credits, or other consideration received by Belarus in
24 exchange for the weapons or weapons-related tech-
25 nologies.

1 (4) The personal assets and wealth of Alek-
2 sandr Lukashenka and other senior leadership of the
3 Government of Belarus.

4 (b) FORM.—A report transmitted pursuant to sub-
5 section (a) shall be in unclassified form but may contain
6 a classified annex.

7 **SEC. 1606. DEFINITIONS.**

8 In this title:

9 (1) OSCE.—The term “OSCE” means the Or-
10 ganization for Security and Cooperation in Europe.

11 (2) SENIOR LEADERSHIP OF THE GOVERNMENT
12 OF BELARUS.—The term “senior leadership of the
13 Government of Belarus” includes—

14 (A) the President, Prime Minister, Deputy
15 Prime Ministers, government ministers, Chair-
16 men of State Committees, and members of the
17 Presidential Administration of Belarus;

18 (B) any official of the Government of
19 Belarus who is personally and substantially in-
20 volved in the suppression of freedom in Belarus,
21 including judges and prosecutors; and

22 (C) any other individual determined by the
23 Secretary of State (or the Secretary’s designee)
24 to be personally and substantially involved in
25 the formulation or execution of the policies of

1 the Lukashenka regime that are in contradic-
2 tion of internationally recognized human rights
3 standards.

4 **TITLE XVII—ISRAELI-PALES-**
5 **TINIAN PEACE ENHANCE-**
6 **MENT ACT OF 2003**

7 **SEC. 1701. SHORT TITLE.**

8 This title may be cited as the “Israeli-Palestinian
9 Peace Enhancement Act of 2003”.

10 **SEC. 1702. FINDINGS.**

11 Congress makes the following findings:

12 (1) The security of the State of Israel is a
13 major and enduring national security interest of the
14 United States.

15 (2) A lasting peace in the Middle East region
16 can only take root in an atmosphere free of violence
17 and terrorism.

18 (3) The Palestinian people have been ill-served
19 by leaders who, by resorting to violence and ter-
20 rorism to pursue their political objectives, have
21 brought economic and personal hardship to their
22 people and brought a halt to efforts seeking a nego-
23 tiated settlement of the conflict.

1 (4) The United States has an interest in a Mid-
2 dle East in which two states, Israel and Palestine,
3 will live side by side in peace and security.

4 (5) In his speech of June 24, 2002, and in
5 other statements, President George W. Bush out-
6 lined a comprehensive vision of the possibilities of
7 peace in the Middle East region following a change
8 in Palestinian leadership.

9 (6) A stable and peaceful Palestinian state is
10 necessary to achieve the security that Israel longs
11 for, and Israel should take concrete steps to support
12 the emergence of a viable, credible Palestinian state.

13 (7) The Palestinian state must be a reformed,
14 peaceful, and democratic state that abandons forever
15 the use of terror.

16 (8) On April 29, 2003, the Palestinian Legisla-
17 tive Council confirmed in office, by a vote of 51
18 yeas, 18 nays, and 3 abstentions, the Palestinian
19 Authority's first prime minister, Mahmoud Abbas
20 (Abu Mazen), and his cabinet.

21 (9) In his remarks prior to the vote of the Pal-
22 estinian Legislative Council, Mr. Abbas declared:
23 "The government will concentrate on the question of
24 security . . . The unauthorized possession of weap-
25 ons, with its direct threat to the security of the pop-

1 ulation, is a major concern that will be relentlessly
2 addressed . . . There will be no other decision-mak-
3 ing authority except for the Palestinian Authority.”.

4 (10) In those remarks, Mr. Abbas further stat-
5 ed: “We denounce terrorism by any party and in all
6 its forms both because of our religious and moral
7 traditions and because we are convinced that such
8 methods do not lend support to a just cause like
9 ours but rather destroy it.”.

10 (11) Israel has repeatedly indicated its willing-
11 ness to make painful concessions to achieve peace
12 once there is a partner for peace on the Palestinian
13 side.

14 **SEC. 1703. PURPOSES.**

15 The purposes of this title are—

16 (1) to express the sense of Congress with re-
17 spect to United States recognition of a Palestinian
18 state; and

19 (2) to demonstrate United States willingness to
20 provide substantial economic and humanitarian as-
21 sistance, and to support large-scale multilateral as-
22 sistance, after the Palestinians have achieved the re-
23 forms outlined by President Bush and have achieved
24 peace with the State of Israel.

1 **SEC. 1704. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) peace between Israel and the Palestinians
4 cannot be negotiated until the Palestinian system of
5 government has been transformed along the lines
6 outlined in President Bush's June 24, 2002, speech;

7 (2) substantial United States and international
8 economic assistance will be needed after the Pal-
9 estinians have achieved the reforms described in sec-
10 tion 620K(c)(2) of the Foreign Assistance Act of
11 1961 (as added by section 1706 of this Act) and
12 have made a lasting and secure peace with Israel;

13 (3) the Palestinian people merit commendation
14 on the confirmation of the Palestinian Authority's
15 first prime minister, Mahmoud Abbas (Abu Mazen),
16 and his cabinet;

17 (4) the new Palestinian administration urgently
18 should take the necessary security-related steps to
19 allow for implementation of a performance-based
20 road map to resolve the Israeli-Palestinian conflict;

21 (5) the United States Administration should
22 work vigorously toward the goal of two states living
23 side-by-side in peace within secure and internation-
24 ally-recognized boundaries free from threats or acts
25 of force; and

1 (6) the United States has a vital national secu-
2 rity interest in a permanent, comprehensive, and
3 just resolution of the Arab-Israeli conflict, and par-
4 ticularly the Palestinian-Israeli conflict, based on the
5 terms of United Nations Security Council Resolu-
6 tions 242 and 338.

7 **SEC. 1705. RECOGNITION OF A PALESTINIAN STATE.**

8 It is the sense of Congress that a Palestinian state
9 should not be recognized by the United States until the
10 President determines that—

11 (1) a new leadership of a Palestinian governing
12 entity, not compromised by terrorism, has been
13 elected and taken office; and

14 (2) the newly-elected Palestinian governing
15 entity—

16 (A) has demonstrated a firm and tangible
17 commitment to peaceful coexistence with the
18 State of Israel and to ending anti-Israel incite-
19 ment, including the cessation of all officially
20 sanctioned or funded anti-Israel incitement;

21 (B) has taken appropriate measures to
22 counter terrorism and terrorist financing in the
23 West Bank and Gaza, including the dismantling
24 of terrorist infrastructures and the confiscation
25 of unlawful weaponry;

1 (C) has established a new Palestinian secu-
2 rity entity that is fully cooperating with the ap-
3 propriate Israeli security organizations;

4 (D) has achieved exclusive authority and
5 responsibility for governing the national affairs
6 of a Palestinian state, has taken effective steps
7 to ensure democracy, the rule of law, and an
8 independent judiciary, and has adopted other
9 reforms ensuring transparent and accountable
10 governance; and

11 (E) has taken effective steps to ensure that
12 its education system promotes the acceptance of
13 Israel's existence and of peace with Israel and
14 actively discourages anti-Israel incitement.

15 **SEC. 1706. LIMITATION ON ASSISTANCE TO A PALESTINIAN**
16 **STATE.**

17 Chapter 1 of part III of the Foreign Assistance Act
18 of 1961 (22 U.S.C. 2351 et seq.) is amended—

19 (1) by redesignating the second section 620G
20 (as added by section 149 of Public Law 104–164
21 (110 Stat. 1436)) as section 620J; and

22 (2) by adding at the end the following new sec-
23 tion:

1 **“SEC. 620K. LIMITATION ON ASSISTANCE TO A PALES-**
2 **TINIAN STATE.**

3 “(a) LIMITATION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, assistance may be provided under
6 this Act or any other provision of law to the govern-
7 ment of a Palestinian state only during a period for
8 which a certification described in subsection (c) is in
9 effect. The limitation contained in the preceding sen-
10 tence shall not apply (A) to humanitarian or devel-
11 opment assistance that is provided through non-
12 governmental organizations for the benefit of the
13 Palestinian people in the West Bank and Gaza, or
14 (B) to assistance that is intended to reform the Pal-
15 estinian Authority and affiliated institutions, or a
16 newly elected Palestinian governing entity, in order
17 to help meet the requirements contained in subpara-
18 graphs (A) through (H) of subsection (c)(2) or to
19 address the matters described in subparagraphs (A)
20 through (E) of section 1705(2) of the Israeli-Pales-
21 tinian Peace Enhancement Act of 2003.

22 “(2) WAIVER.—The President may waive the
23 limitation of the first sentence of paragraph (1) if
24 the President determines and certifies to the Com-
25 mittee on International Relations of the House of
26 Representatives and the Committee on Foreign Re-

1 lations of the Senate that it is vital to the national
2 interest of the United States to do so.

3 “(b) CONGRESSIONAL NOTIFICATION.—

4 “(1) IN GENERAL.—Assistance made available
5 under this Act or any other provision of law to a
6 Palestinian state may not be provided until 15 days
7 after the date on which the President has provided
8 notice thereof to the Committee on International Re-
9 lations and the Committee on Appropriations of the
10 House of Representatives and to the Committee on
11 Foreign Relations and the Committee on Appropria-
12 tions of the Senate in accordance with the proce-
13 dures applicable to reprogramming notifications
14 under section 634A(a) of this Act.

15 “(2) SUNSET.—Paragraph (1) shall cease to be
16 effective beginning ten years after the date on which
17 notice is first provided under such paragraph.

18 “(c) CERTIFICATION.—A certification described in
19 this subsection is a certification transmitted by the Presi-
20 dent to Congress that—

21 “(1) a binding international peace agreement
22 exists between Israel and the Palestinians that—

23 “(A) was freely signed by both parties;

24 “(B) guarantees both parties’ commitment
25 to a border between two states that constitutes

1 a secure and internationally recognized bound-
2 ary for both states, with no remaining terri-
3 torial claims;

4 “(C) provides a permanent resolution for
5 both Palestinian refugees and Jewish refugees
6 from Arab countries; and

7 “(D) includes a renunciation of all remain-
8 ing Palestinian claims against Israel through
9 provisions that commit both sides to the “end
10 of the conflict”; and

11 “(2) the new Palestinian government—

12 “(A) has been democratically elected
13 through free and fair elections, has exclusive
14 authority and responsibility for governing the
15 national affairs of the Palestinian state, and
16 has achieved the reforms outlined by President
17 Bush in his June 24, 2002, speech;

18 “(B) has completely renounced the use of
19 violence against the State of Israel and its citi-
20 zens, is vigorously attempting to prevent any
21 acts of terrorism against Israel and its citizens,
22 and punishes the perpetrators of such acts in a
23 manner commensurate with their actions;

1 “(C) has dismantled, and terminated the
2 funding of, any group within its territory that
3 conducts terrorism against Israel;

4 “(D) is engaging in ongoing and extensive
5 security cooperation with the State of Israel;

6 “(E) refrains from any officially sanctioned
7 or funded statement or act designed to incite
8 Palestinians or others against the State of
9 Israel and its citizens;

10 “(F) has an elected leadership not com-
11 promised by terror;

12 “(G) is demilitarized; and

13 “(H) has no alliances or agreements that
14 pose a threat to the security of the State of
15 Israel.

16 “(d) RECERTIFICATIONS.—Not later than 90 days
17 after the date on which the President transmits to Con-
18 gress an initial certification under subsection (c), and
19 every 6 months thereafter for the 10-year period beginning
20 on the date of transmittal of such certification—

21 “(1) the President shall transmit to Congress a
22 recertification that the requirements contained in
23 subsection (c) are continuing to be met; or

1 “(2) if the President is unable to make such a
2 recertification, the President shall transmit to Con-
3 gress a report that contains the reasons therefor.

4 “(e) RULE OF CONSTRUCTION.—A certification
5 under subsection (c) shall be deemed to be in effect begin-
6 ning on the day after the last day of the 10-year period
7 described in subsection (d) unless the President subse-
8 quently determines that the requirements contained in
9 subsection (c) are no longer being met and the President
10 transmits to Congress a report that contains the reasons
11 therefor.”.

12 **SEC. 1707. AUTHORIZATION OF ASSISTANCE TO A PALES-**
13 **TINIAN STATE.**

14 Chapter 1 of part III of the Foreign Assistance Act
15 of 1961 (22 U.S.C. 2351 et seq.), as amended by section
16 1706, is further amended by adding at the end the fol-
17 lowing new section:

18 **“SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALES-**
19 **TINIAN STATE.**

20 “(a) ASSISTANCE.—The President is authorized to
21 provide assistance to a Palestinian state in accordance
22 with the requirements of this section.

23 “(b) ACTIVITIES TO BE SUPPORTED.—Assistance
24 provided under subsection (a) shall be used to support ac-
25 tivities within a Palestinian state to substantially improve

1 the economy and living conditions of the Palestinians by,
2 among other things, providing for economic development
3 in the West Bank and Gaza, continuing to promote democ-
4 racy and the rule of law, developing water resources, as-
5 sisting in security cooperation between Israelis and Pal-
6 estinians, and helping with the compensation and rehabili-
7 tation of Palestinian refugees.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—Of the
9 amounts made available to carry out chapter 4 of part
10 II of this Act for a fiscal year, there are authorized to
11 be appropriated to the President to carry out subsections
12 (a) and (b) such sums as may be necessary for each such
13 fiscal year.

14 “(d) COORDINATION OF INTERNATIONAL ASSIST-
15 ANCE.—

16 “(1) IN GENERAL.—Beginning on the date on
17 which the President transmits to Congress an initial
18 certification under section 620K(c) of this Act, the
19 Secretary of State shall seek to convene one or more
20 donors conferences to gain commitments from other
21 countries, multilateral institutions, and nongovern-
22 mental organizations to provide economic assistance
23 to Palestinians to ensure that such commitments to
24 provide assistance are honored in a timely manner,
25 to ensure that there is coordination of assistance

1 among the United States and such other countries,
2 multilateral institutions, and nongovernmental orga-
3 nizations, to ensure that the assistance provided to
4 Palestinians is used for the purposes for which is
5 was provided, and to ensure that other countries,
6 multilateral institutions, and nongovernmental orga-
7 nizations do not provide assistance to Palestinians
8 through entities that are designated as terrorist or-
9 ganizations under United States law.

10 “(2) REPORT.—Not later than 180 days after
11 the date of the enactment of this section, and on an
12 annual basis thereafter, the Secretary of State shall
13 prepare and submit to the Committee on Inter-
14 national Relations and the Committee on Appropria-
15 tions of the House of Representatives and the Com-
16 mittee on Foreign Relations and the Committee on
17 Appropriations of the Senate a report that describes
18 the activities undertaken to meet the requirements
19 of paragraph (1), including a description of amounts
20 committed, and the amounts provided, to a Pales-
21 tinian state or Palestinians during the reporting pe-
22 riod by each country and organization.”.

1 **TITLE XVIII—MISCELLANEOUS**
2 **FOREIGN ASSISTANCE PROVI-**
3 **SIONS**

4 **SEC. 1801. ADDITIONAL AUTHORITIES RELATING TO INTER-**
5 **NATIONAL NARCOTICS CONTROL ASSIST-**
6 **ANCE.**

7 Notwithstanding any other provision of law, assist-
8 ance provided by the United States Government to sup-
9 port international efforts to combat aerial trafficking of
10 illicit narcotics under chapter 8 of part I of the Foreign
11 Assistance Act of 1961 or under any other provision of
12 law shall include the authority to interdict illicit arms in
13 connection with the trafficking of illicit narcotics.

14 **SEC. 1802. UNITED STATES OPIUM ERADICATION PROGRAM**
15 **IN COLOMBIA.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Secretary of State, acting through
18 the Department of State's Narcotics Affairs Section
19 (NAS) in Bogota, Colombia, shall ensure that all pilots
20 participating in the United States opium eradication pro-
21 gram in Colombia are Colombians and are fully trained,
22 qualified, and experienced pilots, with preference provided
23 to individuals who are members of the Colombian National
24 Police.

1 **SEC. 1803. COOPERATIVE DEVELOPMENT PROGRAM.**

2 Of the amounts made available for development as-
3 sistance under the Foreign Assistance Act of 1961, not
4 less than \$2,000,000 for each of the fiscal years 2004 and
5 2005 are authorized to be made available to finance
6 projects among the United States, Israel, and developing
7 countries in Africa under the Cooperative Development
8 Program.

9 **SEC. 1804. WEST BANK AND GAZA PROGRAM.**

10 (a) OVERSIGHT.—For fiscal year 2004, the Secretary
11 of State shall certify to the appropriate committees of
12 Congress not later than 30 days prior to the initial obliga-
13 tion of funds for the West Bank and Gaza that procedures
14 have been established to assure the Comptroller General
15 will have access to appropriate United States financial in-
16 formation in order to review the use of United States as-
17 sistance for the West Bank and Gaza funded under chap-
18 ter 4 of part II of the Foreign Assistance Act of 1961
19 (“Economic Support Fund”).

20 (b) VETTING.—Prior to any obligation of funds au-
21 thorized to be appropriated to carry out chapter 4 of part
22 II of the Foreign Assistance Act of 1961 for assistance
23 for the West Bank and Gaza, the Secretary of State shall
24 take all appropriate steps to ensure that such assistance
25 is not provided to or through any individual or entity that
26 the Secretary knows, or has reason to believe, advocates,

1 plans, sponsors, engages in, or has engaged in, terrorist
2 activity. The Secretary of State shall, as appropriate, es-
3 tablish procedures specifying the steps to be taken in car-
4 rying out this subsection.

5 (c) AUDITS.—

6 (1) IN GENERAL.—The Administrator of the
7 United States Agency for International Development
8 shall ensure that independent audits of all contrac-
9 tors and grantees, and significant subcontractors
10 and subgrantees, under the West Bank and Gaza
11 Program, are conducted at least on an annual basis
12 to ensure, among other things, compliance with this
13 section.

14 (2) AUDITS BY INSPECTOR GENERAL OF
15 USAID.—Of the funds authorized to be appropriated
16 by this Act to carry out chapter 4 of part II of the
17 Foreign Assistance Act of 1961 that are made avail-
18 able for assistance for the West Bank and Gaza, up
19 to \$1,000,000 may be used by the Office of the In-
20 spector General of the United States Agency for
21 International Development for audits, inspections,
22 and other activities in furtherance of the require-
23 ments of paragraph (1). Such funds are in addition
24 to funds otherwise available for such purposes.

1 **SEC. 1805. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON**
2 **INCITEMENT TO ACTS OF DISCRIMINATION.**

3 (a) COUNTRIES RECEIVING ECONOMIC ASSIST-
4 ANCE.—Section 116(d) of the Foreign Assistance Act of
5 1961 (22 U.S.C. 2151n(d)) is amended—

6 (1) in paragraph (9), by striking “and” at the
7 end;

8 (2) in paragraph (10), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(11)(A) wherever applicable, in a separate sec-
12 tion with a separate heading, a description of the
13 nature and extent of—

14 “(i) propaganda in government and gov-
15 ernment-controlled media and other sources, in-
16 cluding government-produced educational mate-
17 rials and textbooks, that attempt to justify or
18 promote racial hatred or incite acts of violence
19 against any race or people; and

20 “(ii) complicity or involvement in the cre-
21 ation of such propaganda or incitement of acts
22 of violence against any race; and

23 “(B) a description of the actions, if any, taken
24 by the government of the country to eliminate such
25 propaganda or incitement.”.

1 (b) COUNTRIES RECEIVING SECURITY ASSIST-
2 ANCE.—Section 502B(b) of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2304(b)) is amended by inserting after
4 the eighth sentence the following: “Each report under this
5 section shall also include wherever applicable, in a sepa-
6 rate section with a separate heading, a description of (i)
7 the nature and extent of (I) propaganda in government
8 and government-controlled media and other sources, in-
9 cluding government-produced educational materials and
10 textbooks, that attempt to justify or promote racial hatred
11 or incite acts of violence against any race, and (II) com-
12 plicity or involvement in the creation of such propaganda
13 or incitement of acts of violence against any race or peo-
14 ple, and (ii) a description of the actions, if any, taken by
15 the government of the country to eliminate such propa-
16 ganda or incitement.”.

17 **SEC. 1806. ASSISTANCE TO EAST TIMOR.**

18 Section 632(b)(1) of the Foreign Relations Author-
19 ization Act, Fiscal Year 2003 (Public Law 107–228) is
20 amended by striking “the fiscal year 2003” and inserting
21 “each of the fiscal years 2003, 2004, and 2005”.

22 **SEC. 1807. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS**
23 **FOR CUBA.**

24 (a) STATEMENT OF POLICY.—It is the policy of the
25 United States to support those individuals and groups who

1 struggle for freedom and democracy in Cuba, including
2 human rights dissidents, independent journalists, inde-
3 pendent labor leaders, and other opposition groups.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the President to carry out section
7 109(a) of Public Law 104–114 (22 U.S.C. 6039(a))
8 \$15,000,000 for each of the fiscal years 2004 and
9 2005.

10 (2) ADDITIONAL AUTHORITIES.—Amounts ap-
11 propriated pursuant to the authorization of appro-
12 priations under subsection (a)—

13 (A) are authorized to remain available
14 until expended; and

15 (B) are in addition to amounts otherwise
16 available for such purposes.

17 **SEC. 1808. AMENDMENT TO THE AFGHANISTAN FREEDOM**
18 **SUPPORT ACT OF 2002.**

19 The Afghanistan Freedom Support Act of 2002 (22
20 U.S.C. 7501 et seq.) is amended—

21 (1) in section 103(a) by striking “section 512
22 of Public Law 107–115 or any similar” and insert-
23 ing “any other”; and

1 (1) in section 207(b) by striking “section 512
2 of Public Law 107–115 or any similar” and insert-
3 ing “any other”.

4 **SEC. 1809. CONGO BASIN FOREST PARTNERSHIP.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the President to carry
7 out the Congo Basin Forest Partnership (CBFP) program
8 \$18,600,000 for each of the fiscal years 2004 and 2005.
9 Of the amounts appropriated pursuant to the authoriza-
10 tion of appropriations under the preceding sentence for
11 a fiscal year, \$16,000,000 is authorized to be made avail-
12 able to the Central Africa Regional Program for the Envi-
13 ronment (CARPE) of the United States Agency for Inter-
14 national Development.

15 (b) AVAILABILITY.—Amounts appropriated pursuant
16 to the authorization of appropriations under subsection (a)
17 are authorized to remain available until expended.

18 **SEC. 1810. COMBATTING THE PIRACY OF UNITED STATES**

19 **COPYRIGHTED MATERIALS.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-
21 tion to such amounts as may otherwise be authorized to
22 be appropriated for such purpose, there are authorized to
23 be appropriated for the Department of State, \$10,000,000
24 to carry out the following activities in countries that are

1 not members of the Organization for Economic Coopera-
2 tion and Development (OECD):

3 (1) Provision of equipment and training for for-
4 eign law enforcement, including in the interpretation
5 of intellectual property laws.

6 (2) Training for judges and prosecutors, includ-
7 ing in the interpretation of intellectual property
8 laws.

9 (3) Assistance in complying with obligations
10 under appropriate international copyright and intel-
11 lectual property treaties and agreements.

12 (b) CONSULTATION WITH WORLD INTELLECTUAL
13 PROPERTY ORGANIZATION.—In carrying out subsection
14 (a), the Department of State should make every effort to
15 consult with, and provide appropriate assistance to, the
16 World Intellectual Property Organization to promote the
17 integration of non-OECD countries into the global intel-
18 lectual property system.

19 **SEC. 1811. ASSISTANCE FOR LAW ENFORCEMENT FORCES**
20 **IN CERTAIN FOREIGN COUNTRIES.**

21 Notwithstanding section 660 of the Foreign Assist-
22 ance Act of 1961 (22 U.S.C. 2420), the Administrator of
23 the United States Agency for International Development
24 is authorized to provide assistance for fiscal years 2004
25 and 2005 to—

1 (1) law enforcement agencies of the Govern-
2 ment of India for the purposes of enhancing their
3 capacity for medical-first-response and search-and-
4 rescue operations after a natural disaster, improving
5 the access of women to justice, and combating the
6 trafficking of persons; and

7 (2) the new police force of Northern Ireland for
8 the purpose of providing computer-based, human-
9 rights and other professional training, and the law
10 enforcement agencies of the Republic of Ireland
11 (ROI) for the purposes of fostering greater coopera-
12 tion and communication between the police force of
13 the Republic of Ireland and the new police force of
14 Northern Ireland, as recommended by the Patten
15 Commission.

16 **SEC. 1812. HUMAN RIGHTS AND DEMOCRACY FUND.**

17 Section 664(c)(1) of the Freedom Investment Act of
18 2002 (subtitle E of title VI of division A of Public Law
19 107–228; 22 U.S.C. 2151n–2(c)(1)) is amended—

20 (1) by striking “for fiscal year 2003” and in-
21 serting “for each of the fiscal years 2003 through
22 2005”; and

23 (2) by striking “\$21,500,000 is” and inserting
24 “\$21,500,000 for fiscal year 2003, \$24,000,000 for

1 fiscal year 2004, and such sums as may be nec-
2 essary for fiscal year 2005 are”.

3 **SEC. 1813. ENHANCED POLICE TRAINING.**

4 Section 660(b) of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2420(b)) is amended—

6 (1) in paragraph (7), by striking the period at
7 the end and inserting “; or”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(8) with respect to assistance provided to en-
11 hance the effectiveness and accountability of civilian
12 police authority through training and technical as-
13 sistance in internationally recognized human rights,
14 the rule of law, strategic planning, and counter-nar-
15 cotics, and through the promotion of civilian police
16 roles that support democratic governance, including
17 programs to combat corruption and the trafficking
18 of persons, particularly by organized crime, prevent
19 conflict, and foster improved police relations with
20 the communities in which they serve.”.

21 **SEC. 1814. PROMOTING A SECURE AND DEMOCRATIC AF-**
22 **GHANISTAN.**

23 (a) FINDINGS.—The Congress finds that—

24 (1) the United States has a vital interest in
25 promoting Afghanistan’s transition from chaos, civil

1 war, and disorder to an increasingly prosperous
2 democratic state, safe and secure with its neighbors,
3 respecting human rights, particularly the rights of
4 women and girls, dedicated to the liberty, literacy,
5 and enrichment of its citizens, and serving as a
6 model for other countries;

7 (2) basic security in the major cities and along
8 key transportation routes is critical to the recon-
9 struction and development of Afghanistan, including
10 fostering implementation of the Bonn Agreement,
11 achieving progress towards a democratic and toler-
12 ant government, and encouraging international pri-
13 vate investment;

14 (3) Afghanistan and its people remain under se-
15 rious threat from terrorism, insurgency, widespread
16 crime, banditry, intimidation, rape, and suppression
17 of minorities and women, and other grave violations
18 of human rights continue to occur, especially in
19 areas that do not have a routine presence of inter-
20 national security personnel;

21 (4) lethal clashes continue between the private
22 armies of warlords, attacks against Afghan civilians
23 and officials and United States and international or-
24 ganization personnel are on the rise, and threats
25 against civilians and whole villages not to cooperate

1 with Americans or the central government are now
2 routine;

3 (5) the growth, production, and trafficking of
4 Afghan opium and its derivatives pose a serious
5 threat to international peace and security and efforts
6 toward reconstruction in Afghanistan;

7 (6) recruitment and training of the Afghan Na-
8 tional Army and the Afghan National Police are se-
9 riously behind schedule and will not be at full
10 strength for several years, leaving the central gov-
11 ernment and Afghan citizens vulnerable to the dep-
12 redations of terrorists, insurgents, and the private
13 armies of warlords;

14 (7) although the 4,500 soldiers of the Inter-
15 national Security Assistance Force (ISAF) have pro-
16 vided much-needed security for the citizens of Kabul,
17 it is not within their mandate or power to promote
18 security to other areas, and human rights abuses are
19 continuing in areas in and around Kabul where
20 ISAF is not present;

21 (8) vastly disproportionate numbers of refugees
22 returning from neighboring countries have gone to
23 Kabul because of the security provided by ISAF and
24 the insecurity of their home areas, overwhelming

1 Kabul and far exceeding its capacity for shelter,
2 food, and employment;

3 (9) NATO has recently decided to take over re-
4 sponsibility for a limited ISAF, a welcome develop-
5 ment that will not, unfortunately, provide any addi-
6 tional security in Kabul or elsewhere;

7 (10) the United States has stated on numerous
8 occasions that it does not oppose the expansion of
9 ISAF, but that heretofore other countries have not
10 expressed a willingness to participate in an expanded
11 force;

12 (11) the United States has not itself dem-
13 onstrated a commitment to expansion of ISAF or a
14 similar international security or peacekeeping force,
15 a commitment to leadership that other nations may
16 more likely follow;

17 (12) the Secretary of Defense has announced
18 that the combat phase of the war in Afghanistan has
19 ended, and that the United States will be focusing
20 its efforts on a reconstruction phase utilizing lightly-
21 armed, platoon-sized Provincial Reconstruction
22 Teams to provide security for reconstruction efforts,
23 rather than an expanded international peacekeeping
24 or patrolling security force;

1 (13) the Provincial Reconstruction Teams may
2 prove inadequate to provide a significant level of se-
3 curity to their regions, and are not tasked to secure
4 the major transportation routes which are critical to
5 the economic revival of Afghanistan;

6 (14) United States and foreign nongovern-
7 mental aid workers and Afghan civilian aid workers
8 are at great risk of being robbed, beaten, and killed
9 in areas of Afghanistan that are not being patrolled
10 by United States forces or Afghan central govern-
11 ment forces;

12 (15) such acts of theft, intimidation, and mur-
13 der against foreign aid and Afghan civilian workers
14 are occurring with increasing frequency, and are
15 often deliberately committed by Taliban and other
16 insurgent and rebel forces with the intention of cre-
17 ating sufficient terror to undermine and arrest any
18 efforts to rebuild Afghanistan into a peaceful, demo-
19 cratic, and prosperous nation that prohibits ter-
20 rorism and tyranny;

21 (16) the report of the Inspector General of the
22 United States Agency for International Development
23 (USAID) confirms that USAID workers are virtual
24 captives in their compounds, able to venture out into
25 the countryside for brief periods and only under

1 heavy armed escort, conditions which are counter-
2 productive to their mission of assisting the people of
3 Afghanistan;

4 (17) the Taliban and al-Qaeda may believe they
5 only have to create enough terror and uncertainty in
6 the country to undermine the creation of strong rep-
7 resentative institutions, and wait until the United
8 States leaves to again create chaos, exploit tribal ri-
9 valries, and plunge Afghanistan back into chaos;

10 (18) failure to secure a peaceful and democratic
11 Afghanistan will diminish the credibility of efforts by
12 the United States and the international community
13 to promote peace and democracy elsewhere in the
14 Muslim world; and

15 (19) unless general security can be provided in
16 the major population areas, strategic highways, and
17 border crossings and chokepoints, the goals for
18 which the war in Afghanistan was fought may be
19 lost and the efforts and lives spent in the attempt
20 to liberate and rebuild Afghanistan may be wasted.

21 (b) SECURITY POLICY.—

22 (1) SECURITY ALONG HIGHWAYS.—The Presi-
23 dent shall take immediate steps to ensure that there
24 is adequate security along the length of highways
25 connecting major Afghan urban centers in order to

1 terminate and deter acts of banditry, illegal check-
2 points, human rights abuses, terrorism, and intimi-
3 dation against Afghan and foreign civilians and mili-
4 tary personnel.

5 (2) DISARMAMENT, ETC. OF AFGHAN MILI-
6 TIAS.—The President shall take immediate steps to
7 support directly the disarmament, demobilization,
8 and reintegration of Afghan militias and irregulars
9 that are not formally part of the Afghan National
10 Army or under the direct control of the central gov-
11 ernment in Afghanistan.

12 (c) SENSE OF CONGRESS.—It is the sense of the Con-
13 gress that the President should take steps to implement
14 section 206(d) of the Afghanistan Freedom Support Act
15 of 2002 (Public Law 107–327) to expand significantly the
16 International Security Assistance Force, or take such
17 other steps as may be necessary, such as increasing the
18 number and force levels of United States Provincial Re-
19 construction Teams, so as to—

20 (1) increase the area in which security is pro-
21 vided and undertake vital tasks related to promoting
22 security, such as disarming warlords militias and
23 irregulars;

24 (2) deter criminal activity, including rape, rob-
25 bery, and intimidation of civilians; and

1 (3) safeguard highways in order to allow gov-
2 ernmental and nongovernmental assistance and re-
3 construction personnel to move more freely in the
4 countryside to provide humanitarian relief and re-
5 build Afghanistan.

6 **SEC. 1815. GRANTS TO THE AFRICA SOCIETY.**

7 (a) GRANTS TO THE AFRICA SOCIETY.—For any fis-
8 cal year, the Secretary of State is authorized to make
9 grants to the Africa Society to carry out programs and
10 activities that advance United States interests and values
11 in Africa through public and private partnerships that fa-
12 cilitate the continent's political transition to more open
13 democratic societies, support equitable economic growth
14 through trade and investment, support efforts to promote
15 transparency and openness through the public and private
16 sectors, encourage civil society growth and development,
17 and promote awareness of all Americans about Africa,
18 consistent with a grant agreement under such terms as
19 the Secretary of State considers necessary and appro-
20 priate.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 \$1,000,000 for the fiscal year 2004 and such sums as may
24 be necessary for the fiscal year 2005.